

In the Senate of the United States,

November 5, 1999.

Resolved, That the bill from the House of Representatives (H.R. 2116) entitled “An Act to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*
3 *erans Benefits Act of 1999”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
5 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—MEDICAL CARE

Subtitle A—Long-Term Care

Sec. 101. Continuum of care for veterans.

Sec. 102. Pilot programs relating to long-term care of veterans.

Sec. 103. Pilot program relating to assisted living services.

Subtitle B—Management of Medical Facilities and Property

Sec. 111. Enhanced-use lease authority.

Sec. 112. Designation of hospital bed replacement building at Department of Veterans Affairs Medical Center in Reno, Nevada, after Jack Street-er.

Subtitle C—Other Health Care Provisions

Sec. 121. Emergency health care in non-Department of Veterans Affairs facilities for enrolled veterans.

Sec. 122. Improvement of specialized mental health services for veterans.

Sec. 123. Treatment and services for drug or alcohol dependency.

Sec. 124. Allocation to Department of Veterans Affairs health care facilities of amounts in Medical Care Collections Fund.

Sec. 125. Extension of certain Persian Gulf War authorities.

Sec. 126. Report on coordination of procurement of pharmaceuticals and medical supplies by the Department of Veterans Affairs and the Department of Defense.

Sec. 127. Reimbursement of medical expenses of veterans located in Alaska.

Sec. 128. Repeal of four-year limitation on terms of Under Secretary for Health and Under Secretary for Benefits.

Subtitle D—Major Medical Facility Projects Construction Authorizations

Sec. 131. Authorization of major medical facility projects.

TITLE II—BENEFITS MATTERS

Subtitle A—Homeless Veterans

Sec. 201. Extension of program of housing assistance for homeless veterans.

Sec. 202. Homeless veterans comprehensive service programs.

Sec. 203. Authorizations of appropriations for homeless veterans' reintegration projects.

Sec. 204. Report on implementation of General Accounting Office recommendations regarding performance measures.

Subtitle B—Other Matters

Sec. 211. Payment rate of certain burial benefits for certain Filipino veterans.

Sec. 212. Extension of authority to maintain a regional office in the Republic of the Philippines.

Sec. 213. Extension of Advisory Committee on Minority Veterans.

Sec. 214. Dependency and indemnity compensation for surviving spouses of former prisoners of war.

Sec. 215. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.

Sec. 216. Clarification of veterans employment opportunities.

TITLE III—EDUCATION MATTERS

Sec. 301. Short title.

Sec. 302. Availability of Montgomery GI Bill benefits for preparatory courses for college and graduate school entrance exams.

Sec. 303. Increase in basic benefit of active duty educational assistance.

Sec. 304. Increase in rates of survivors and dependents educational assistance.

- Sec. 305. Increased active duty educational assistance benefit for contributing members.*
- Sec. 306. Continuing eligibility for educational assistance of members of the Armed Forces attending officer training school.*
- Sec. 307. Eligibility of members of the Armed Forces to withdraw elections not to receive Montgomery GI Bill basic educational assistance.*
- Sec. 308. Accelerated payments of basic educational assistance.*
- Sec. 309. Veterans education and vocational training benefits provided by the States.*

TITLE IV—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

- Sec. 401. Short title.*
- Sec. 402. Persons eligible for burial in Arlington National Cemetery.*
- Sec. 403. Persons eligible for placement in the columbarium in Arlington National Cemetery.*

Subtitle B—Other Memorial Matters

- Sec. 411. Establishment of additional national cemeteries.*
- Sec. 412. Use of flat grave markers at Santa Fe National Cemetery, New Mexico.*

Subtitle C—World War II Memorial

- Sec. 421. Short title.*
- Sec. 422. Fund raising by American Battle Monuments Commission for World War II Memorial.*
- Sec. 423. General authority of American Battle Monuments Commission to solicit and receive contributions.*
- Sec. 424. Intellectual property and related items.*

TITLE V—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

- Sec. 501. Temporary service of certain judges of United States Court of Appeals for Veterans Claims upon expiration of their terms or retirement.*
- Sec. 502. Modified terms for certain judges of United States Court of Appeals for Veterans Claims.*
- Sec. 503. Temporary authority for voluntary separation incentives for certain judges on United States Court of Appeals for Veterans Claims.*
- Sec. 504. Definition.*

1 SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

2 *Except as otherwise expressly provided, whenever in*
 3 *this Act an amendment or repeal is expressed in terms of*
 4 *an amendment to, or repeal of, a section or other provision,*
 5 *the reference shall be considered to be made to a section or*
 6 *other provision of title 38, United States Code.*

1 ***TITLE I—MEDICAL CARE***
 2 ***Subtitle A—Long-Term Care***

3 ***SEC. 101. CONTINUUM OF CARE FOR VETERANS.***

4 (a) *INCLUSION OF NONINSTITUTIONAL EXTENDED*
 5 *CARE SERVICES IN DEFINITION OF MEDICAL SERVICES.—*
 6 *Section 1701 is amended—*

7 (1) *in paragraph (6)(A)(i), by inserting “non-*
 8 *institutional extended care services,” after “preventive*
 9 *health services,”; and*

10 (2) *by adding at the end the following new para-*
 11 *graphs:*

12 “(10) *The term ‘noninstitutional extended care*
 13 *services’ includes—*

14 “(A) *home-based primary care;*

15 “(B) *adult day health care;*

16 “(C) *respite care;*

17 “(D) *palliative and end-of-life care; and*

18 “(E) *home health aide visits.*

19 “(11) *The term ‘respite care’ means hospital*
 20 *care, nursing home care, or residence-based care*
 21 *which—*

22 “(A) *is of limited duration;*

23 “(B) *is furnished in a Department facility*
 24 *or in the residence of an individual on an inter-*
 25 *mittent basis to an individual who is suffering*

1 *from a chronic illness and who resides primarily*
 2 *at that residence; and*

3 “(C) is furnished for the purpose of helping
 4 *the individual to continue residing primarily at*
 5 *that residence.”.*

6 (b) *CONFORMING AMENDMENTS TO TITLE 38.—(1)(A)*
 7 *Section 1720 is amended by striking subsection (f).*

8 (B) *The section heading of such section is amended by*
 9 *striking “; **adult day health care**”.*

10 (2) *Section 1720B is repealed.*

11 (3) *Chapter 17 is further amended by redesignating*
 12 *sections 1720C, 1720D, and 1720E as sections 1720B,*
 13 *1720C, and 1720D, respectively.*

14 (c) *CLERICAL AMENDMENTS.—The table of sections for*
 15 *chapter 17 is amended—*

16 (1) *in the item relating to section 1720, by strik-*
 17 *ing “; **adult day health care**”; and*

18 (2) *by striking the items relating to sections*
 19 *1720B, 1720C, 1720D, and 1720E and inserting the*
 20 *following:*

“1720B. Noninstitutional alternatives to nursing home care.

“1720C. Counseling and treatment for sexual trauma.

“1720D. Nasopharyngeal radium irradiation.”.

21 (d) *ADDITIONAL CONFORMING AMENDMENT.—Section*
 22 *101(g)(2) of the Veterans Health Programs Extension Act*
 23 *of 1994 (Public Law 103–452; 108 Stat. 4785; 38 U.S.C.*

1 1720D note) is amended by striking “section 1720D” both
2 places it appears and inserting “section 1720C”.

3 **SEC. 102. PILOT PROGRAMS RELATING TO LONG-TERM**
4 **CARE OF VETERANS.**

5 (a) *IN GENERAL.*—The Secretary of Veterans Affairs
6 shall carry out three pilot programs for the purpose of deter-
7 mining the feasibility and practicability of a variety of
8 methods of meeting the long-term care needs of eligible vet-
9 erans. The pilot programs shall be carried out in accordance
10 with the provisions of this section.

11 (b) *LOCATIONS OF PILOT PROGRAMS.*—(1) Each pilot
12 program under this section shall be carried out in two des-
13 ignated health care regions of the Department of Veterans
14 Affairs selected by the Secretary for purposes of this section.

15 (2) In selecting designated health care regions of the
16 Department for purposes of a particular pilot program, the
17 Secretary shall, to the maximum extent practicable, select
18 designated health care regions containing a medical center
19 or medical centers whose current circumstances and activi-
20 ties most closely mirror the circumstances and activities
21 proposed to be achieved under such pilot program.

22 (3) The Secretary may not carry out more than one
23 pilot program in any given designated health care region
24 of the Department.

1 (c) *SCOPE OF SERVICES UNDER PILOT PROGRAMS.*—

2 (1) *The services provided under the pilot programs under*
3 *this section shall include a comprehensive array of health*
4 *care services and other services that meet the long-term care*
5 *needs of veterans, including—*

6 (A) *inpatient long-term care in intermediate*
7 *care beds, in nursing homes, and in domiciliary care*
8 *facilities; and*

9 (B) *non-institutional long-term care, including*
10 *hospital-based primary care, adult day health care,*
11 *respite care, and other community-based interventions*
12 *and care.*

13 (2) *As part of the provision of services under the pilot*
14 *programs, the Secretary shall also provide appropriate case*
15 *management services.*

16 (3) *In providing services under the pilot programs, the*
17 *Secretary shall emphasize the provision of preventive care*
18 *services, including screening and education.*

19 (4) *The Secretary may provide health care services or*
20 *other services under the pilot programs only if the Secretary*
21 *is otherwise authorized to provide such services by law.*

22 (d) *DIRECT PROVISION OF SERVICES.*—*Under one of*
23 *the pilot programs under this section, the Secretary shall*
24 *provide long-term care services to eligible veterans directly*

1 *through facilities and personnel of the Department of Vet-*
 2 *erans Affairs.*

3 *(e) PROVISION OF SERVICES THROUGH COOPERATIVE*
 4 *ARRANGEMENTS.—(1) Under one of the pilot programs*
 5 *under this section, the Secretary shall provide long-term*
 6 *care services to eligible veterans through a combination (as*
 7 *determined by the Secretary) of—*

8 *(A) services provided under cooperative arrange-*
 9 *ments with appropriate public and private non-Gov-*
 10 *ernmental entities, including community service orga-*
 11 *nizations; and*

12 *(B) services provided through facilities and per-*
 13 *sonnel of the Department.*

14 *(2) The consideration provided by the Secretary for*
 15 *services provided by entities under cooperative arrange-*
 16 *ments under paragraph (1)(A) shall be limited to the provi-*
 17 *sion by the Secretary of appropriate in-kind services to such*
 18 *entities.*

19 *(f) PROVISION OF SERVICES BY NON-DEPARTMENT*
 20 *ENTITIES.—(1) Under one of the pilot programs under this*
 21 *section, the Secretary shall provide long-term care services*
 22 *to eligible veterans through arrangements with appropriate*
 23 *non-Department entities under which arrangements the*
 24 *Secretary acts solely as the case manager for the provision*
 25 *of such services.*

1 (2) *Payment for services provided to veterans under*
2 *the pilot programs under this subsection shall be made by*
3 *the Department to the extent that payment for such services*
4 *is not otherwise provided by another government or non-*
5 *government entity.*

6 (g) *DATA COLLECTION.—As part of the pilot programs*
7 *under this section, the Secretary shall collect data*
8 *regarding—*

9 (1) *the cost-effectiveness of such programs and of*
10 *other activities of the Department for purposes of*
11 *meeting the long-term care needs of eligible veterans,*
12 *including any cost advantages under such programs*
13 *and activities when compared with the Medicare pro-*
14 *gram, Medicaid program, or other Federal program*
15 *serving similar populations;*

16 (2) *the quality of the services provided under*
17 *such programs and activities;*

18 (3) *the satisfaction of participating veterans,*
19 *non-Department, and non-Government entities with*
20 *such programs and activities; and*

21 (4) *the effect of such programs and activities on*
22 *the ability of veterans to carry out basic activities of*
23 *daily living over the course of such veterans' partici-*
24 *pation in such programs and activities.*

1 (h) *REPORT.*—(1) *Not later than six months after the*
2 *completion of the pilot programs under subsection (i), the*
3 *Secretary shall submit to Congress a report on the health*
4 *services and other services furnished by the Department to*
5 *meet the long-term care needs of eligible veterans.*

6 (2) *The report under paragraph (1) shall—*

7 (A) *describe the comprehensive array of health*
8 *services and other services furnished by the Depart-*
9 *ment under law to meet the long-term care needs of*
10 *eligible veterans, including—*

11 (i) *inpatient long-term care in intermediate*
12 *care beds, in nursing homes, and in domiciliary*
13 *care facilities; and*

14 (ii) *non-institutional long-term care, in-*
15 *cluding hospital-based primary care, adult day*
16 *health care, respite care, and other community-*
17 *based interventions and care;*

18 (B) *describe the case management services fur-*
19 *nished as part of the services described in subpara-*
20 *graph (A) and assess the role of such case manage-*
21 *ment services in ensuring that eligible veterans receive*
22 *services to meet their long-term care needs; and*

23 (C) *in describing services under subparagraphs*
24 *(A) and (B), emphasize the role of preventive services*
25 *in the furnishing of such services.*

1 (i) *DURATION OF PROGRAMS.*—(1) *The Secretary shall*
2 *commence carrying out the pilot programs required by this*
3 *section not later than 90 days after the date of the enact-*
4 *ment of this Act.*

5 (2) *The authority of the Secretary to provide services*
6 *under the pilot programs shall cease on the date that is*
7 *three years after the date of the commencement of the pilot*
8 *programs under paragraph (1).*

9 (j) *DEFINITIONS.*—*In this section:*

10 (1) *ELIGIBLE VETERAN.*—*The term “eligible vet-*
11 *eran” means the following:*

12 (A) *Any veteran eligible to receive hospital*
13 *care and medical services under section*
14 *1710(a)(1) of title 38, United States Code.*

15 (B) *Any veteran (other than a veteran de-*
16 *scribed in subparagraph (A)) if the veteran is*
17 *enrolled in the system of annual patient enroll-*
18 *ment under section 1705 of title 38, United*
19 *States Code.*

20 (2) *LONG-TERM CARE NEEDS.*—*The term “long-*
21 *term care needs” means the need by an individual for*
22 *any of the following services:*

23 (A) *Hospital care.*

24 (B) *Medical services.*

25 (C) *Nursing home care.*

1 (D) Case management and other social serv-
2 ices.

3 (E) Home and community based services.

4 **SEC. 103. PILOT PROGRAM RELATING TO ASSISTED LIVING**
5 **SERVICES.**

6 (a) *IN GENERAL.*—The Secretary of Veterans Affairs
7 shall carry out a pilot program for the purpose of deter-
8 mining the feasibility and practicability of providing as-
9 sisted living services to eligible veterans. The pilot program
10 shall be carried out in accordance with this section.

11 (b) *LOCATION.*—The pilot program under this section
12 shall be carried out at a designated health care region of
13 the Department of Veterans Affairs selected by the Secretary
14 for purposes of this section.

15 (c) *SCOPE OF SERVICES.*—(1) Subject to paragraph
16 (2), the Secretary shall provide assisted living services
17 under the pilot program to eligible veterans.

18 (2) Assisted living services may not be provided under
19 the pilot program to a veteran eligible for care under section
20 1710(a)(3) of title 38, United States Code, unless such vet-
21 eran agrees to pay the United States an amount equal to
22 the amount determined in accordance with the provisions
23 of section 1710(f) of such title.

24 (3) Assisted living services may also be provided under
25 the pilot program to the spouse of an eligible veteran if—

1 (A) such services are provided coincidentally
2 with the provision of identical services to the veteran
3 under the pilot program; and

4 (B) such spouse agrees to pay the United States
5 an amount equal to the cost, as determined by the
6 Secretary, of the provision of such services.

7 (d) *REPORTS.*—(1) The Secretary shall annually sub-
8 mit to Committees on Veterans' Affairs of the Senate and
9 the House of Representatives a report on the pilot program
10 under this section. The report shall include a detailed de-
11 scription of the activities under the pilot program during
12 the one-year period ending on the date of the report and
13 such other matters as the Secretary considers appropriate.

14 (2)(A) In addition to the reports required by para-
15 graph (1), not later than 90 days before concluding the pilot
16 program under this section, the Secretary shall submit to
17 the committees referred to in that paragraph a final report
18 on the pilot program.

19 (B) The report on the pilot program under this para-
20 graph shall include the following:

21 (i) An assessment of the feasibility and practica-
22 bility of providing assisted living services for veterans
23 and their spouses.

24 (ii) A financial assessment of the pilot program,
25 including a management analysis, cost-benefit anal-

1 *ysis, Department cash-flow analysis, and strategic*
2 *outlook assessment.*

3 *(iii) Recommendations, if any, regarding an ex-*
4 *tension of the pilot program, including recommenda-*
5 *tions regarding the desirability of authorizing or re-*
6 *quiring the Secretary to seek reimbursement for the*
7 *costs of the Secretary in providing assisted living*
8 *services in order to reduce demand for higher-cost*
9 *nursing home care under the pilot program.*

10 *(iv) Any other information or recommendations*
11 *that the Secretary considers appropriate regarding*
12 *the pilot program.*

13 *(e) DURATION.—(1) The Secretary shall commence*
14 *carrying out the pilot program required by this section not*
15 *later than 90 days after the date of the enactment of this*
16 *Act.*

17 *(2) The authority of the Secretary to provide services*
18 *under the pilot program shall cease on the date that is three*
19 *years after the date of the commencement of the pilot pro-*
20 *gram under paragraph (1).*

21 *(f) DEFINITIONS.—In this section:*

22 *(1) ELIGIBLE VETERAN.—The term “eligible vet-*
23 *eran” means the following:*

1 (A) Any veteran eligible to receive hospital
2 care and medical services under section
3 1710(a)(1) of title 38, United States Code.

4 (B) Any veteran (other than a veteran de-
5 scribed in subparagraph (A)) if the veteran is
6 enrolled in the system of annual patient enroll-
7 ment under section 1705 of title 38, United
8 States Code.

9 (2) ASSISTED LIVING SERVICES.—The term “as-
10 sisted living services” means services which provide
11 personal care, activities, health-related care, super-
12 vision, and other assistance on a 24-hour basis within
13 a residential or similar setting which—

14 (A) maximizes flexibility in the provision of
15 such care, activities, supervision, and assistance;

16 (B) maximizes the autonomy, privacy, and
17 independence of an individual; and

18 (C) encourages family and community in-
19 volvement with the individual.

20 ***Subtitle B—Management of Medical*** 21 ***Facilities and Property***

22 ***SEC. 111. ENHANCED-USE LEASE AUTHORITY.***

23 (a) MAXIMUM TERM OF LEASES.—Section 8162(b)(2)
24 is amended by striking “may not exceed—” and all that

1 *follows through the end and inserting “may not exceed 55*
 2 *years.”.*

3 *(b) AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES*
 4 *RELATING TO LEASES.—Section 8162(b)(4) is amended—*

5 *(1) by inserting “(A)” after “(4)”;*

6 *(2) in subparagraph (A), as so designated—*

7 *(A) in the first sentence, by striking “only”;*

8 *and*

9 *(B) by striking the second sentence; and*

10 *(3) by adding at the end the following new sub-*
 11 *paragraph:*

12 *“(B) Any payment by the Secretary in contribution*
 13 *to capital activities on property that has been leased under*
 14 *this subchapter may be made from amounts appropriated*
 15 *to the Department for construction, minor projects.”.*

16 *(c) EXTENSION OF AUTHORITY.—Section 8169 is*
 17 *amended by striking “December 31, 2001” and inserting*
 18 *“December 31, 2011”.*

19 *(d) TRAINING AND OUTREACH REGARDING AUTHOR-*
 20 *ITY.—The Secretary of Veterans Affairs shall take appro-*
 21 *priate actions to provide training and outreach to personnel*
 22 *at Department of Veterans Affairs medical centers regard-*
 23 *ing the enhanced-use lease authority under subchapter V of*
 24 *chapter 81 of title 38, United States Code. The training*
 25 *and outreach shall address methods of approaching poten-*

1 *tial lessees in the medical or commercial sectors regarding*
2 *the possibility of entering into leases under that authority*
3 *and other appropriate matters.*

4 *(e) INDEPENDENT ANALYSIS OF OPPORTUNITIES FOR*
5 *USE OF AUTHORITY.—(1) The Secretary shall take appro-*
6 *priate actions to secure from an appropriate entity inde-*
7 *pendent of the Department of Veterans Affairs an analysis*
8 *of opportunities for the use of the enhanced-use lease author-*
9 *ity under subchapter V of chapter 81 of title 38, United*
10 *States Code.*

11 *(2) The analysis under paragraph (1) shall include—*

12 *(A) a survey of the facilities of the Department*
13 *for purposes of identifying Department property that*
14 *presents an opportunity for lease under the enhanced-*
15 *use lease authority;*

16 *(B) an assessment of the feasibility of entering*
17 *into enhanced-use leases under that authority in the*
18 *case of any property identified under subparagraph*
19 *(A) as presenting an opportunity for such lease; and*

20 *(C) an assessment of the resources required at the*
21 *Department facilities concerned, and at the Depart-*
22 *ment Central Office, in order to facilitate the entering*
23 *into of enhanced-used leases in the case of property so*
24 *identified.*

1 (3) *If as a result of the survey under paragraph (2)(A)*
 2 *the entity determines that a particular Department prop-*
 3 *erty presents no opportunities for lease under the enhanced-*
 4 *use lease authority, the analysis shall include the entity's*
 5 *explanation of that determination.*

6 (4) *If as a result of the survey the entity determines*
 7 *that certain Department property presents an opportunity*
 8 *for lease under the enhanced-use lease authority, the anal-*
 9 *ysis shall include a single integrated business plan, devel-*
 10 *oped by the entity, that addresses the strategy and resources*
 11 *necessary to implement the plan for all property determined*
 12 *to present an opportunity for such lease.*

13 (f) *AUTHORITY FOR ENHANCED-USE LEASE OF PROP-*
 14 *ERTY UNDER BUSINESS PLAN.—(1) The Secretary may*
 15 *enter into an enhanced-use lease of any property identified*
 16 *as presenting an opportunity for such lease under the anal-*
 17 *ysis under subsection (e) if such lease is consistent with the*
 18 *business plan under paragraph (4) of that subsection.*

19 (2) *The provisions of subchapter V of chapter 81 of*
 20 *title 38, United States Code, shall apply with respect to*
 21 *any lease under paragraph (1).*

1 **SEC. 112. DESIGNATION OF HOSPITAL BED REPLACEMENT**
 2 **BUILDING AT DEPARTMENT OF VETERANS AF-**
 3 **FAIRS MEDICAL CENTER IN RENO, NEVADA,**
 4 **AFTER JACK STREETER.**

5 *The hospital bed replacement building under construc-*
 6 *tion at the Ioannis A. Lougaris Department of Veterans Af-*
 7 *fairs Medical Center in Reno, Nevada, is hereby designated*
 8 *as the “Jack Streeter Building”. Any reference to that*
 9 *building in any law, regulation, map, document, record,*
 10 *or other paper of the United States shall be considered to*
 11 *be a reference to the Jack Streeter Building.*

12 ***Subtitle C—Other Health Care***
 13 ***Provisions***

14 **SEC. 121. EMERGENCY HEALTH CARE IN NON-DEPARTMENT**
 15 **OF VETERANS AFFAIRS FACILITIES FOR EN-**
 16 **ROLLED VETERANS.**

17 (a) *DEFINITIONS.—Section 1701 is amended—*

18 (1) *in paragraph (6)—*

19 (A) *by striking “and” at the end of sub-*
 20 *paragraph (A);*

21 (B) *by striking the period at the end of sub-*
 22 *paragraph (B) and inserting “; and”; and*

23 (C) *by inserting after subparagraph (B) the*
 24 *following new subparagraph:*

1 “(C) *emergency care, or reimbursement for such*
 2 *care, as described in sections 1703(a)(3) and*
 3 *1728(a)(2)(E) of this title.*”; and

4 (2) *by adding at the end the following new para-*
 5 *graph:*

6 “(10) *The term ‘emergency medical condition’*
 7 *means a medical condition manifesting itself by acute*
 8 *symptoms of sufficient severity (including severe*
 9 *pain) such that a prudent layperson, who possesses*
 10 *an average knowledge of health and medicine, could*
 11 *reasonably expect the absence of immediate medical*
 12 *attention to result in—*

13 “(A) *placing the health of the individual*
 14 *(or, with respect to a pregnant woman, the*
 15 *health of the woman or her unborn child) in seri-*
 16 *ous jeopardy;*

17 “(B) *serious impairment to bodily func-*
 18 *tions; or*

19 “(C) *serious dysfunction of any bodily*
 20 *organ or part.*”.

21 (b) *CONTRACT CARE.*—Section 1703(a)(3) is amended
 22 by striking “*medical emergencies*” and all that follows
 23 through “*health of a veteran*” and inserting “*an emergency*
 24 *medical condition of a veteran who is enrolled under section*
 25 *1705 of this title or who is*”.

1 (c) *REIMBURSEMENT OF EXPENSES FOR EMERGENCY*
2 *CARE.*—Section 1728(a)(2) is amended—

3 (1) by striking “or” before “(D)”; and

4 (2) by inserting before the semicolon at the end
5 the following: “, or (E) for any emergency medical
6 condition of a veteran enrolled under section 1705 of
7 this title”.

8 (d) *PAYMENT PRIORITY.*—Section 1705 is amended by
9 adding at the end the following new subsection:

10 “(d) The Secretary shall require in a contract under
11 section 1703(a)(3) of this title, and as a condition of pay-
12 ment under section 1728(a)(2) of this title, that payment
13 by the Secretary for treatment under such contract, or
14 under such section, of a veteran enrolled under this section
15 shall be made only after any payment that may be made
16 with respect to such treatment under part A or part B of
17 the Medicare program and after any payment that may be
18 made with respect to such treatment by a third-party insur-
19 ance provider.”.

20 (e) *EFFECTIVE DATE.*—The amendments made by this
21 section shall apply with respect to care or services provided
22 on or after the date of the enactment of this Act.

1 **SEC. 122. IMPROVEMENT OF SPECIALIZED MENTAL HEALTH**
2 **SERVICES FOR VETERANS.**

3 (a) *IN GENERAL.*—(1) *Subchapter II of chapter 17 is*
4 *amended by inserting after section 1712B the following new*
5 *section:*

6 **“§ 1712C. Specialized mental health services**

7 “(a) *The Secretary shall carry out programs for pur-*
8 *poses of enhancing the provision of specialized mental*
9 *health services to veterans.*

10 “(b) *The programs carried out by the Secretary under*
11 *subsection (a) shall include the following:*

12 “(1) *Programs relating to the treatment of Post*
13 *Traumatic Stress Disorder (PTSD), including pro-*
14 *grams for—*

15 “(A) *the establishment and operation of ad-*
16 *ditional outpatient and residential treatment fa-*
17 *cilities for Post Traumatic Stress Disorder in*
18 *areas that are underserved by existing programs*
19 *relating to Post Traumatic Stress Disorder, as*
20 *determined by qualified mental health personnel*
21 *of the Department who oversee such programs;*

22 “(B) *the provision of services in response to*
23 *the specific needs of veterans with Post Trau-*
24 *matic Stress Disorder and related disorders, in-*
25 *cluding short-term or long-term care services that*

1 *combine residential treatment of Post Traumatic*
2 *Stress Disorder;*

3 “(C) *the provision of Post Traumatic Stress*
4 *Disorder or dedicated case management services*
5 *on an outpatient basis; and*

6 “(D) *the enhancement of staffing of existing*
7 *programs relating to Post Traumatic Stress Dis-*
8 *order which have exceeded the projected work-*
9 *loads for such programs.*

10 “(2) *Programs relating to substance use dis-*
11 *orders, including programs for—*

12 “(A) *the establishment and operation of ad-*
13 *ditional Department-based or community-based*
14 *residential treatment facilities;*

15 “(B) *the expansion of the provision of*
16 *opioid treatment services, including the establish-*
17 *ment and operation of additional programs for*
18 *the provision of opioid treatment services; and*

19 “(C) *the reestablishment or enhancement of*
20 *substance use disorder services at facilities at*
21 *which such services have been eliminated or cur-*
22 *tailed, with an emphasis on the reestablishment*
23 *or enhancement of services at facilities where de-*
24 *mand for such services is high or which serve*
25 *large geographic areas.*

1 “(c)(1) *The Secretary shall provide for the allocation*
 2 *of funds for the programs carried out under this section*
 3 *in a centralized manner.*

4 “(2) *The allocation of funds for such programs shall—*

5 “(A) *be based upon an assessment of the need for*
 6 *funds conducted by qualified mental health personnel*
 7 *of the Department who oversee such programs; and*

8 “(B) *emphasize, to the maximum extent prac-*
 9 *ticable, the availability of funds for the programs de-*
 10 *scribed in paragraphs (1) and (2) of subsection (b).”.*

11 “(2) *The table of sections at the beginning of chapter*
 12 *17 is amended by inserting after the item relating to section*
 13 *1712B the following new item:*

“1712C. Specialized mental health services.”.

14 “(b) *REPORT.—(1) Not later than March 1 of each of*
 15 *2000, 2001, and 2002, the Secretary of Veterans Affairs*
 16 *shall submit to Congress a report on the programs carried*
 17 *out by the Secretary under section 1712C of title 38, United*
 18 *States Code (as added by subsection (a)).*

19 “(2) *The report shall, for the period beginning on the*
 20 *date of the enactment of this Act and ending on the date*
 21 *of the report—*

22 “(A) *describe the programs carried out under such*
 23 *section 1712C;*

24 “(B) *set forth the number of veterans provided*
 25 *services under such programs; and*

1 (C) set forth the amounts expended for purposes
2 of carrying out such programs.

3 **SEC. 123. TREATMENT AND SERVICES FOR DRUG OR ALCO-**
4 **HOL DEPENDENCY.**

5 Section 1720A(c) is amended—

6 (1) in the first sentence of paragraph (1)—

7 (A) by striking “may not be transferred”
8 and inserting “may be transferred”; and

9 (B) by striking “unless such transfer is dur-
10 ing the last thirty days of such member’s enlist-
11 ment or tour of duty”; and

12 (2) in the first sentence of paragraph (2), by
13 striking “during the last thirty days of such person’s
14 enlistment period or tour of duty”.

15 **SEC. 124. ALLOCATION TO DEPARTMENT OF VETERANS AF-**
16 **FAIRS HEALTH CARE FACILITIES OF**
17 **AMOUNTS IN MEDICAL CARE COLLECTIONS**
18 **FUND.**

19 Section 1729A(d) is amended—

20 (1) by striking “(1)”;

21 (2) by striking “each designated health care re-
22 gion” and inserting “each Department health care fa-
23 cility”;

24 (3) by striking “each region” and inserting
25 “each facility”;

1 (4) by striking “such region” both places it ap-
 2 pears and inserting “such facility”; and

3 (4) by striking paragraph (2).

4 **SEC. 125. EXTENSION OF CERTAIN PERSIAN GULF WAR AU-**
 5 **THORITIES.**

6 (a) *THREE-YEAR EXTENSION OF NEWSLETTER ON*
 7 *MEDICAL CARE.*—Section 105(b)(2) of the Persian Gulf
 8 War Veterans’ Benefits Act (title I of Public Law 103–446;
 9 108 Stat. 4659; 38 U.S.C. 1117 note) is amended by strik-
 10 ing “December 31, 1999” and inserting “December 31,
 11 2002”.

12 (b) *THREE-YEAR EXTENSION OF PROGRAM FOR EVAL-*
 13 *UATION OF HEALTH OF SPOUSES AND CHILDREN.*—Section
 14 107(b) of Persian Gulf War Veterans’ Benefits Act (title I
 15 of Public Law 103–446; 38 U.S.C. 1117 note) is amended
 16 by striking “December 31, 1999” and inserting “December
 17 31, 2002”.

18 **SEC. 126. REPORT ON COORDINATION OF PROCUREMENT**
 19 **OF PHARMACEUTICALS AND MEDICAL SUP-**
 20 **PLIES BY THE DEPARTMENT OF VETERANS**
 21 **AFFAIRS AND THE DEPARTMENT OF DE-**
 22 **FENSE.**

23 (a) *REQUIREMENT.*—Not later than March 31, 2000,
 24 the Secretary of Veterans Affairs and the Secretary of De-
 25 fense shall jointly submit to the Committees on Veterans’

1 *Affairs and Armed Services of the Senate and the Commit-*
2 *tees on Veterans' Affairs and Armed Services of the House*
3 *of Representatives a report on the cooperation between the*
4 *Department of Veterans Affairs and the Department of De-*
5 *fense in the procurement of pharmaceuticals and medical*
6 *supplies.*

7 (b) *REPORT ELEMENTS.*—*The report under subsection*
8 *(a) shall include the following:*

9 (1) *A description of the current cooperation be-*
10 *tween the Department of Veterans Affairs and the De-*
11 *partment of Defense in the procurement of pharma-*
12 *ceuticals and medical supplies.*

13 (2) *An assessment of the means by which co-*
14 *operation between the departments in such procure-*
15 *ment could be enhanced or improved.*

16 (3) *A description of any existing memoranda of*
17 *agreement between the Department of Veterans Affairs*
18 *and the Department of Defense that provide for the*
19 *cooperation referred to in subsection (a).*

20 (4) *A description of the effects, if any, such*
21 *agreements will have on current staffing levels at the*
22 *Defense Supply Center in Philadelphia, Pennsyl-*
23 *vania, and the Department of Veterans Affairs Na-*
24 *tional Acquisition Center in Hines, Illinois.*

1 (5) *A description of the effects, if any, of such co-*
2 *operation on military readiness.*

3 (6) *A comprehensive assessment of cost savings*
4 *realized and projected over the five fiscal year period*
5 *beginning in fiscal year 1999 for the Department of*
6 *Veterans Affairs and the Department of Defense as a*
7 *result of such cooperation, and the overall savings to*
8 *the Treasury of the United States as a result of such*
9 *cooperation.*

10 (7) *A list of the types of medical supplies and*
11 *pharmaceuticals for which cooperative agreements*
12 *would not be appropriate and the reason or reasons*
13 *therefor.*

14 (8) *An assessment of the extent to which coopera-*
15 *tive agreements could be expanded to include medical*
16 *equipment, major systems, and durable goods used in*
17 *the delivery of health care by the Department of Vet-*
18 *erans Affairs and the Department of Defense.*

19 (9) *A description of the effects such agreements*
20 *might have on distribution of items purchased coop-*
21 *eratively by the Department of Veterans Affairs and*
22 *the Department of Defense, particularly outside the*
23 *continental United States.*

24 (10) *An assessment of the potential to establish*
25 *common pharmaceutical formularies between the De-*

1 *partment of Veterans Affairs and the Department of*
2 *Defense.*

3 *(11) An explanation of the current Uniform*
4 *Product Number (UPN) requirements of each Depart-*
5 *ment and of any planned standardization of such re-*
6 *quirements between the Departments for medical*
7 *equipment and durable goods manufacturers.*

8 **SEC. 127. REIMBURSEMENT OF MEDICAL EXPENSES OF VET-**
9 **ERANS LOCATED IN ALASKA.**

10 *(a) PRESERVATION OF CURRENT REIMBURSEMENT*
11 *RATES.—Notwithstanding any other provision of law, the*
12 *Secretary of Veterans Affairs shall, for purposes of reim-*
13 *bursing veterans in Alaska for medical expenses under sec-*
14 *tion 1728 of title 38, United States Code, during the one-*
15 *year period beginning on the date of the enactment of this*
16 *Act, use the fee-for-service payment schedule in effect for*
17 *such purposes on July 31, 1999, rather than the Partici-*
18 *pating Physician Fee Schedule under the Medicare pro-*
19 *gram.*

20 *(b) REPORT.—(1) Not later than 180 days after the*
21 *date of the enactment of this Act, the Secretary of Veterans*
22 *Affairs and the Secretary of Health and Human Services*
23 *shall jointly submit to the Committees on Veterans' Affairs*
24 *of the Senate and the House of Representatives a report and*
25 *recommendation on the use of the Participating Physician*

1 *Fee Schedule under the Medicare program as a means of*
 2 *calculating reimbursement rates for medical expenses of vet-*
 3 *erans located in Alaska under section 1728 of title 38,*
 4 *United States Code.*

5 (2) *The report shall—*

6 (A) *assess the differences between health care*
 7 *costs in Alaska and health care costs in the conti-*
 8 *mental United States;*

9 (B) *describe any differences between the costs of*
 10 *providing health care in Alaska and the reimburse-*
 11 *ment rates for the provision of health care under the*
 12 *Participating Physician Fee Schedule; and*

13 (C) *assess the effects on health care for veterans*
 14 *in Alaska of implementing the Participating Physi-*
 15 *cian Fee Schedule as a means of calculating reim-*
 16 *bursement rates for medical expenses of veterans lo-*
 17 *cated in Alaska under section 1728 of title 38, United*
 18 *States Code.*

19 **SEC. 128. REPEAL OF FOUR-YEAR LIMITATION ON TERMS OF**
 20 **UNDER SECRETARY FOR HEALTH AND UNDER**
 21 **SECRETARY FOR BENEFITS.**

22 (a) *UNDER SECRETARY FOR HEALTH.—Section 305 is*
 23 *amended—*

24 (1) *by striking subsection (c); and*

1 (2) by redesignating subsection (d) as subsection
2 (c).

3 (b) *UNDER SECRETARY FOR BENEFITS*.—Section 306
4 is amended—

5 (1) by striking subsection (c); and

6 (2) by redesignating subsection (d) as subsection
7 (c).

8 (c) *APPLICABILITY*.—The amendments made by sub-
9 sections (a) and (b) shall take effect on the date of the enact-
10 ment of this Act and shall apply with respect to individuals
11 appointed as Under Secretary for Health and Under Sec-
12 retary for Benefits, respectively, on or after that date.

13 ***Subtitle D—Major Medical Facility***
14 ***Projects Construction Authoriza-***
15 ***tions***

16 ***SEC. 131. AUTHORIZATION OF MAJOR MEDICAL FACILITY***
17 ***PROJECTS.***

18 (a) *IN GENERAL*.—The Secretary of Veterans Affairs
19 may carry out the following major medical facility projects,
20 with each project to be carried out in the amount specified
21 for that project:

22 (1) Construction of a long term care facility at
23 the Department of Veterans Affairs Medical Center,
24 Lebanon, Pennsylvania, in an amount not to exceed
25 \$14,500,000.

1 (2) *Renovations and environmental improve-*
 2 *ments at the Department of Veterans Affairs Medical*
 3 *Center, Fargo, North Dakota, in an amount not to ex-*
 4 *ceed \$12,000,000.*

5 (3) *Construction of a surgical suite and post-an-*
 6 *esthesia care unit at the Department of Veterans Af-*
 7 *airs Medical Center, Kansas City, Missouri, in an*
 8 *amount not to exceed \$13,000,000.*

9 (4) *Renovations and environmental improve-*
 10 *ments at the Department of Veterans Affairs Medical*
 11 *Center, Atlanta, Georgia, in an amount not to exceed*
 12 *\$12,400,000.*

13 (b) *AUTHORIZATION OF APPROPRIATIONS.—*

14 (1) *IN GENERAL.—There is authorized to be ap-*
 15 *propriated to the Secretary of Veterans Affairs for fis-*
 16 *cal year 2000 for the Construction, Major Projects,*
 17 *Account \$225,500,000 for the projects authorized in*
 18 *subsection (a) and for the continuation of projects au-*
 19 *thorized in section 701(a) of the Veterans Programs*
 20 *Enhancement Act of 1998 (Public Law 105–368; 112*
 21 *Stat. 3348).*

22 (2) *LIMITATION ON FISCAL YEAR 2000*
 23 *PROJECTS.—The projects authorized in subsection (a)*
 24 *may only be carried out using—*

1 (A) funds appropriated for fiscal year 2000
 2 pursuant to the authorizations of appropriations
 3 in subsection (a);

4 (B) funds appropriated for Construction,
 5 Major Projects, for a fiscal year before fiscal year
 6 2000 that remain available for obligation; and

7 (C) funds appropriated for Construction,
 8 Major Projects, for fiscal year 2000 for a cat-
 9 egory of activity not specific to a project.

10 (c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1999

11 PROJECTS.—Section 703(b)(1) of the Veterans Programs
 12 Enhancement Act of 1998 (112 Stat. 3349) is amended—

13 (1) by redesignating subparagraphs (B) and (C)
 14 as subparagraphs (C) and (D), respectively; and

15 (2) by inserting after subparagraph (A) the fol-
 16 lowing new subparagraph (B):

17 “(B) funds appropriated for fiscal year 2000
 18 pursuant to the authorization of appropriations in
 19 section 341(b)(1) of the Veterans Benefits Act of
 20 1999;”.

1 ***TITLE II—BENEFITS MATTERS***

2 ***Subtitle A—Homeless Veterans***

3 ***SEC. 201. EXTENSION OF PROGRAM OF HOUSING ASSIST-***

4 ***ANCE FOR HOMELESS VETERANS.***

5 *Section 3735(c) is amended by striking “December 31,*
 6 *1999” and inserting “December 31, 2001”.*

7 ***SEC. 202. HOMELESS VETERANS COMPREHENSIVE SERVICE***

8 ***PROGRAMS.***

9 *(a) PURPOSES OF GRANTS.—Paragraph (1) of section*
 10 *3(a) of the Homeless Veterans Comprehensive Service Pro-*
 11 *grams Act of 1992 (38 U.S.C. 7721 note) is amended by*
 12 *inserting “, and expanding existing programs for fur-*
 13 *nishing,” after “new programs to furnish”.*

14 *(b) EXTENSION OF AUTHORITY TO MAKE GRANTS.—*
 15 *Paragraph (2) of that section is amended by striking “Sep-*
 16 *tember 30, 1999” and inserting “September 30, 2001”.*

17 *(c) AUTHORIZATION OF APPROPRIATIONS.—Section 12*
 18 *of that Act (38 U.S.C. 7721 note) is amended in the first*
 19 *sentence by inserting “and \$50,000,000 for each of fiscal*
 20 *years 2000 and 2001” after “for fiscal years 1993 through*
 21 *1997”.*

1 **SEC. 203. AUTHORIZATIONS OF APPROPRIATIONS FOR**
 2 **HOMELESS VETERANS' REINTEGRATION**
 3 **PROJECTS.**

4 *Section 738(e)(1) of the Stewart B. McKinney Home-*
 5 *less Assistance Act (42 U.S.C. 11448(e)(1) is amended by*
 6 *adding at the end the following:*

7 *“(H) \$10,000,000 for fiscal year 2000.*

8 *“(I) \$10,000,000 for fiscal year 2001.”.*

9 **SEC. 204. REPORT ON IMPLEMENTATION OF GENERAL AC-**
 10 **COUNTING OFFICE RECOMMENDATIONS RE-**
 11 **GARDING PERFORMANCE MEASURES.**

12 *(a) REPORT.—Not later than three months after the*
 13 *date of the enactment of this Act, the Secretary of Veterans*
 14 *Affairs shall submit to the Committees on Veterans' Affairs*
 15 *of the Senate and the House of Representatives a report con-*
 16 *taining a detailed plan for the evaluation by the Depart-*
 17 *ment of Veterans Affairs of the effectiveness of programs to*
 18 *assist homeless veterans.*

19 *(b) OUTCOME MEASURES.—The plan shall include*
 20 *outcome measures which determine whether veterans are*
 21 *housed and employed within six months after housing and*
 22 *employment are secured for veterans under such programs.*

23 ***Subtitle B—Other Matters***

24 **SEC. 211. PAYMENT RATE OF CERTAIN BURIAL BENEFITS**
 25 **FOR CERTAIN FILIPINO VETERANS.**

26 *(a) PAYMENT RATE.—Section 107 is amended—*

1 (1) in subsection (a), by striking “Payments”
 2 and inserting “Subject to subsection (c), payments”;
 3 and

4 (2) by adding at the end the following:

5 “(c)(1) In the case of an individual described in para-
 6 graph (2), payments under section 2302 or 2303 of this title
 7 by reason of subsection (a)(3) shall be made at the rate of
 8 \$1 for each dollar authorized.

9 “(2) Paragraph (1) applies to any individual whose
 10 service is described in subsection (a) and who dies after the
 11 date of the enactment of the Veterans Benefits Act of 1999
 12 if the individual, on the individual’s date of death—

13 “(A) is a citizen of the United States;

14 “(B) is residing in the United States; and

15 “(C) either—

16 “(i) is receiving compensation under chap-
 17 ter 11 of this title; or

18 “(ii) if such service had been deemed to be
 19 active military, naval, or air service, would have
 20 been paid pension under section 1521 of this title
 21 without denial or discontinuance by reason of
 22 section 1522 of this title.”.

23 (b) *APPLICABILITY*.—No benefits shall accrue to any
 24 person for any period before the date of the enactment of

1 *this Act by reason of the amendments made by subsection*
 2 *(a).*

3 **SEC. 212. EXTENSION OF AUTHORITY TO MAINTAIN A RE-**
 4 **GIONAL OFFICE IN THE REPUBLIC OF THE**
 5 **PHILIPPINES.**

6 *Section 315(b) is amended by striking “December 31,*
 7 *1999” and inserting “December 31, 2004”.*

8 **SEC. 213. EXTENSION OF ADVISORY COMMITTEE ON MINOR-**
 9 **ITY VETERANS.**

10 *Section 544(e) is amended by striking “December 31,*
 11 *1999” and inserting “December 31, 2004”.*

12 **SEC. 214. DEPENDENCY AND INDEMNITY COMPENSATION**
 13 **FOR SURVIVING SPOUSES OF FORMER PRIS-**
 14 **ONERS OF WAR.**

15 *(a) ELIGIBILITY.—Section 1318(b) is amended—*

16 *(1) by striking “that either—” in the matter*
 17 *preceding paragraph (1) and inserting “rated totally*
 18 *disabling if—”; and*

19 *(2) by adding at the end the following new para-*
 20 *graph:*

21 *“(3) the veteran was a former prisoner of war*
 22 *who died after September 30, 1999, and whose dis-*
 23 *ability was continuously rated totally disabling for a*
 24 *period of one year immediately preceding death.”.*

1 (b) *CONFORMING AMENDMENTS.*—*Such section is fur-*
 2 *ther amended—*

3 (1) *in paragraph (1)—*

4 (A) *by inserting “the disability” after*
 5 *“(1)”*; *and*

6 (B) *by striking “or” after “death;”*; *and*

7 (2) *in paragraph (2)—*

8 (A) *by striking “if so rated for a lesser pe-*
 9 *riod, was so rated continuously” and inserting*
 10 *“the disability was continuously rated totally*
 11 *disabling”*; *and*

12 (B) *by striking the period at the end and*
 13 *inserting “; or”*.

14 **SEC. 215. REPEAL OF LIMITATION ON PAYMENTS OF BENE-**
 15 **FITS TO INCOMPETENT INSTITUTIONALIZED**
 16 **VETERANS.**

17 *Section 5503 is amended—*

18 (1) *by striking subsections (b) and (c); and*

19 (2) *by redesignating subsections (d), (e), and (f)*
 20 *as subsections (b), (c), and (d), respectively.*

21 **SEC. 216. CLARIFICATION OF VETERANS EMPLOYMENT OP-**
 22 **PORTUNITIES.**

23 (a) *CLARIFICATION.*—*Section 3304(f) of title 5, United*
 24 *States Code, is amended—*

25 (1) *by striking paragraph (4);*

1 (2) *by redesignating paragraphs (2) and (3) as*
 2 *paragraphs (3) and (4), respectively; and*

3 (3) *by inserting after paragraph (1) the fol-*
 4 *lowing new paragraph (2):*

5 “(2) *If selected, a preference eligible or veteran de-*
 6 *scribed in paragraph (1) shall acquire competitive status*
 7 *and shall receive a career or career-conditional appoint-*
 8 *ment, as appropriate.”.*

9 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
 10 *section (a) shall take effect as if included in the amendment*
 11 *made to section 3304 of title 5, United States Code, by sec-*
 12 *tion 2 of the Veterans Employment Opportunities Act of*
 13 *1998 (Public Law 105–339; 112 Stat. 3182), to which such*
 14 *amendments relate.*

15 ***TITLE III—EDUCATION MATTERS***

16 ***SEC. 301. SHORT TITLE.***

17 *This title may be cited as the “All-Volunteer Force*
 18 *Educational Assistance Programs Improvements Act of*
 19 *1999”.*

20 ***SEC. 302. AVAILABILITY OF MONTGOMERY GI BILL BENE-***

21 ***FITS FOR PREPARATORY COURSES FOR COL-***
 22 ***LEGE AND GRADUATE SCHOOL ENTRANCE***
 23 ***EXAMS.***

24 *Section 3002(3) is amended—*

1 (1) in subparagraph (A), by striking “and” at
2 the end;

3 (2) by redesignating subparagraph (B) as sub-
4 paragraph (C); and

5 (3) by inserting after subparagraph (A) the fol-
6 lowing new subparagraph (B):

7 “(B) includes—

8 “(i) a preparatory course for a test that is
9 required or utilized for admission to an institu-
10 tion of higher education; and

11 “(ii) a preparatory course for a test that is
12 required or utilized for admission to a graduate
13 school; and”.

14 **SEC. 303. INCREASE IN BASIC BENEFIT OF ACTIVE DUTY**
15 **EDUCATIONAL ASSISTANCE.**

16 (a) *INCREASE IN BASIC BENEFIT.*—Section 3015 is
17 amended—

18 (1) in subsection (a)(1), by striking “\$528” and
19 inserting “\$600”; and

20 (2) in subsection (b)(1), by striking “\$429” and
21 inserting “\$488”.

22 (b) *EFFECTIVE DATE.*—The amendments made by sub-
23 section (a) shall take effect on October 1, 1999, and shall
24 apply with respect to educational assistance allowances
25 paid for months after September 1999. However, no adjust-

1 *ment in rates of educational assistance shall be made under*
 2 *section 3015(g) of title 38, United States Code, for fiscal*
 3 *year 2000.*

4 **SEC. 304. INCREASE IN RATES OF SURVIVORS AND DEPEND-**
 5 **ENTS EDUCATIONAL ASSISTANCE.**

6 *(a) SURVIVORS AND DEPENDENTS EDUCATIONAL AS-*
 7 *SISTANCE.—Section 3532 is amended—*

8 *(1) in subsection (a)(1)—*

9 *(A) by striking “\$485” and inserting*
 10 *“\$550”;*

11 *(B) by striking “\$365” and inserting*
 12 *“\$414”; and*

13 *(C) by striking “\$242” and inserting*
 14 *“\$274”;*

15 *(2) in subsection (a)(2), by striking “\$485” and*
 16 *inserting “\$550”;*

17 *(3) in subsection (b), by striking “\$485” and in-*
 18 *serting “\$550”; and*

19 *(4) in subsection (c)(2)—*

20 *(A) by striking “\$392” and inserting*
 21 *“\$445”;*

22 *(B) by striking “\$294” and inserting*
 23 *“\$333”; and*

24 *(C) by striking “\$196” and inserting*
 25 *“\$222”.*

1 (b) *CORRESPONDENCE COURSE*.—Section 3534(b) is
 2 amended by striking “\$485” and inserting “\$550”.

3 (c) *SPECIAL RESTORATIVE TRAINING*.—Section
 4 3542(a) is amended—

5 (1) by striking “\$485” and inserting “\$550”;

6 (2) by striking “\$152” each place it appears and
 7 inserting “\$172”; and

8 (3) by striking “\$16.16” and inserting “\$18.35”.

9 (d) *APPRENTICESHIP TRAINING*.—Section 3687(b)(2)
 10 is amended—

11 (1) by striking “\$353” and inserting “\$401”;

12 (2) by striking “\$264” and inserting “\$299”;

13 (3) by striking “\$175” and inserting “\$198”;

14 and

15 (4) by striking “\$88” and inserting “\$99”.

16 (e) *EFFECTIVE DATE*.—The amendments made by this
 17 section shall take effect on October 1, 1999, and shall apply
 18 with respect to educational assistance paid for months after
 19 September 1999.

20 **SEC. 305. INCREASED ACTIVE DUTY EDUCATIONAL ASSIST-**
 21 **ANCE BENEFIT FOR CONTRIBUTING MEM-**
 22 **BERS.**

23 (a) *AUTHORITY TO MAKE CONTRIBUTIONS FOR IN-*
 24 *CREASED ASSISTANCE AMOUNT*.—(1) Section 3011 is
 25 amended—

1 (A) by redesignating subsection (i) as subsection
2 (j); and

3 (B) by inserting after subsection (h) the fol-
4 lowing new subsection (i):

5 “(i)(1) Any individual eligible for educational assist-
6 ance under this section who does not make an election under
7 subsection (c)(1) may contribute amounts for purposes of
8 receiving an increased amount of basic educational assist-
9 ance as provided for under section 3015(g) of this title.
10 Such contributions shall be in addition to any reductions
11 in the basic pay of such individual under subsection (b).

12 “(2) An individual covered by paragraph (1) may
13 make the contributions authorized by that paragraph at
14 any time while on active duty.

15 “(3) The total amount of the contributions made by
16 an individual under paragraph (1) may not exceed \$600.
17 Such contributions shall be made in multiples of \$4.

18 “(4) Contributions under this subsection shall be made
19 to the Secretary. The Secretary shall deposit any amounts
20 received by the Secretary as contributions under this sub-
21 section into the Treasury as miscellaneous receipts.”.

22 (2) Section 3012 is amended—

23 (A) by redesignating subsection (g) as subsection
24 (h); and

1 (B) by inserting after subsection (f) the following
2 new subsection (g):

3 “(g)(1) Any individual eligible for educational assist-
4 ance under this section who does not make an election under
5 subsection (d)(1) may contribute amounts for purposes of
6 receiving an increased amount of basic educational assist-
7 ance as provided for under section 3015(g) of this title.
8 Such contributions shall be in addition to any reductions
9 in the basic pay of such individual under subsection (c).
10 “(2) An individual covered by paragraph (1) may
11 make the contributions authorized by that paragraph at
12 any time while on active duty.

13 “(3) The total amount of the contributions made by
14 an individual under paragraph (1) may not exceed \$600.
15 Such contributions shall be made in multiples of \$4.

16 “(4) Contributions under this subsection shall be made
17 to the Secretary. The Secretary shall deposit any amounts
18 received by the Secretary as contributions under this sub-
19 section into the Treasury as miscellaneous receipts.”.

20 (b) INCREASED ASSISTANCE AMOUNT.—Section 3015,
21 as amended by section 303 of this Act, is further amended—

22 (1) by striking “subsection (g)” each place it ap-
23 pears in subsections (a)(1) and (b)(1) and inserting
24 “subsection (h)”;

1 (2) by redesignating subsection (g) as subsection
2 (h); and

3 (3) by inserting after subsection (f) the following
4 new subsection (g):

5 “(g) In the case of an individual who has made con-
6 tributions authorized by section 3011(i) or 3012(g) of this
7 title, the monthly amount of basic educational assistance
8 allowance applicable to such individual under subsection
9 (a), (b), or (c) shall be the monthly rate otherwise provided
10 for under the applicable subsection increased by—

11 “(1) an amount equal to \$1 for each \$4 contrib-
12 uted by such individual under section 3011(i) or
13 3012(g), as the case may be, for an approved program
14 of education pursued on a full-time basis; or

15 “(2) an appropriately reduced amount based on
16 the amount so contributed, as determined under regu-
17 lations which the Secretary shall prescribe, for an ap-
18 proved program of education pursued on less than a
19 full-time basis.”.

20 (c) *EFFECTIVE DATE.*—The amendments made by this
21 section shall take effect on January 1, 2000.

1 **SEC. 306. CONTINUING ELIGIBILITY FOR EDUCATIONAL AS-**
2 **SISTANCE OF MEMBERS OF THE ARMED**
3 **FORCES ATTENDING OFFICER TRAINING**
4 **SCHOOL.**

5 *Section 3011(a)(1) is amended—*

6 *(1) in subparagraph (A)(ii)—*

7 *(A) by striking “or (III)” and inserting*
8 *“(III)”; and*

9 *(B) by inserting before the semicolon at the*
10 *end the following: “or (IV) for immediate reen-*
11 *listment to accept a commission as an officer*
12 *and subsequently completes the resulting obli-*
13 *gated period of active duty service as a commis-*
14 *sioned officer”; and*

15 *(2) in subparagraph (B)(ii)—*

16 *(A) by striking “, or (III)” and inserting “;*
17 *(III)”; and*

18 *(B) by inserting before the semicolon at the*
19 *end the following: “or (IV) for immediate reen-*
20 *listment to accept a commission as an officer*
21 *and subsequently completes the resulting obli-*
22 *gated period of active duty service as a commis-*
23 *sioned officer”.*

1 **SEC. 307. ELIGIBILITY OF MEMBERS OF THE ARMED**
 2 **FORCES TO WITHDRAW ELECTIONS NOT TO**
 3 **RECEIVE MONTGOMERY GI BILL BASIC EDU-**
 4 **CATIONAL ASSISTANCE.**

5 (a) *MEMBERS ON ACTIVE DUTY.*—Section 3011(c) is
 6 amended by adding at the end the following:

7 “(4)(A) *An individual who makes an election under*
 8 *paragraph (1) may withdraw the election at any time be-*
 9 *fore the discharge or release of the individual from active*
 10 *duty in the Armed Forces. An individual who withdraws*
 11 *such an election may become entitled to basic educational*
 12 *assistance under this chapter.*

13 “(B) *The withdrawal of an election under this para-*
 14 *graph shall be made in accordance with regulations pre-*
 15 *scribed by the Secretary of Defense or by the Secretary of*
 16 *Transportation with respect to the Coast Guard when it*
 17 *is not operating as a service in the Navy.*

18 “(C)(i) *In the case of an individual who withdraws*
 19 *an election under this paragraph—*

20 “(I) *the basic pay of the individual shall be re-*
 21 *duced by \$100 for each month after the month in*
 22 *which the election is made until the total amount of*
 23 *such reductions equals \$1,500; or*

24 “(II) *to the extent that basic pay is not so re-*
 25 *duced before the individual’s discharge or release from*
 26 *active duty in the Armed Forces, the Secretary, before*

1 *authorizing the payment of educational assistance*
 2 *under this chapter, shall ensure that an amount equal*
 3 *to the difference between \$1,500 and the total amount*
 4 *of reductions under subclause (I) was paid before the*
 5 *discharge or release of the individual from active duty*
 6 *in the Armed Forces.*

7 *“(ii) An individual described in clause (i) may pay*
 8 *the Secretary at any time before discharge or release from*
 9 *active duty in the Armed Forces an amount equal to the*
 10 *total amount of the reduction in basic pay otherwise re-*
 11 *quired with respect to the individual under that clause*
 12 *minus the total amount of reductions of basic pay of the*
 13 *individual under that clause at the time of the payment*
 14 *under this clause.*

15 *“(iii) The second sentence of subsection (b) shall apply*
 16 *to any reductions in basic pay under clause (i)(I).*

17 *“(iv) Amounts paid under clauses (i)(II) and (ii) shall*
 18 *be deposited into the Treasury as miscellaneous receipts.*

19 *“(D) The withdrawal of an election under this para-*
 20 *graph is irrevocable.”.*

21 *(b) MEMBERS OF SELECTED RESERVE.—Section*
 22 *3012(d) is amended by adding at the end the following:*

23 *“(4)(A) An individual who makes an election under*
 24 *paragraph (1) may withdraw the election at any time be-*
 25 *fore the discharge or release of the individual from the*

1 *Armed Forces. An individual who withdraws such an elec-*
2 *tion may become entitled to basic educational assistance*
3 *under this chapter.*

4 “(B) *The withdrawal of an election under this para-*
5 *graph shall be made in accordance with regulations pre-*
6 *scribed by the Secretary of Defense or by the Secretary of*
7 *Transportation with respect to the Coast Guard when it*
8 *is not operating as a service in the Navy.*

9 “(C)(i) *In the case of an individual who withdraws*
10 *an election under this paragraph—*

11 “(I) *the basic pay or compensation of the indi-*
12 *vidual shall be reduced by \$100 for each month after*
13 *the month in which the election is made until the*
14 *total amount of such reductions equals \$1,500; or*

15 “(II) *to the extent that basic pay or compensa-*
16 *tion is not so reduced before the individual’s discharge*
17 *or release from the Armed Forces, the Secretary, be-*
18 *fore authorizing the payment of educational assist-*
19 *ance under this chapter, shall ensure that an amount*
20 *equal to the difference between \$1,500 and the total*
21 *amount of reductions under subclause (I) was paid*
22 *before the discharge or release of the individual from*
23 *the Armed Forces.*

24 “(ii) *An individual described in clause (i) may pay*
25 *the Secretary at any time before discharge or release from*

1 *the Armed Forces an amount equal to the total amount of*
 2 *the reduction in basic pay or compensation otherwise re-*
 3 *quired with respect to the individual under that clause*
 4 *minus the total amount of reductions of basic pay or com-*
 5 *ensation of the individual under that clause at the time*
 6 *of the payment under this clause.*

7 “(iii) *The second sentence of subsection (c) shall apply*
 8 *to any reductions in basic pay or compensation under*
 9 *clause (i)(I).*

10 “(iv) *Amounts paid under clauses (i)(II) and (ii) shall*
 11 *be deposited into the Treasury as miscellaneous receipts.*

12 “(D) *The withdrawal of an election under this para-*
 13 *graph is irrevocable.”.*

14 **SEC. 308. ACCELERATED PAYMENTS OF BASIC EDU-**
 15 **CATIONAL ASSISTANCE.**

16 *Section 3014 is amended—*

17 (1) *by inserting “(a)” before “The Secretary”;*
 18 *and*

19 (2) *by adding at the end the following new sub-*
 20 *section:*

21 “(b)(1) *The Secretary may make payments of basic*
 22 *educational assistance under this subchapter on an acceler-*
 23 *ated basis.*

24 “(2) *The Secretary may pay basic educational assist-*
 25 *ance on an accelerated basis under this subsection only to*

1 *an individual entitled to payment of such assistance under*
 2 *this subchapter who has made a request for payment of such*
 3 *assistance on an accelerated basis.*

4 “(3) *In the event an adjustment under section 3015(g)*
 5 *of this title in the monthly rate of basic educational assist-*
 6 *ance will occur during a period for which a payment of*
 7 *such assistance is made on an accelerated basis under this*
 8 *subsection, the Secretary shall pay on an accelerated basis*
 9 *the amount of such assistance otherwise payable under this*
 10 *subchapter for the period without regard to the adjustment*
 11 *under that section.*

12 “(4) *For each accelerated payment made to an indi-*
 13 *vidual, the individual’s entitlement under this subchapter*
 14 *shall be charged as if the individual had received a monthly*
 15 *educational assistance allowance for the period of edu-*
 16 *cational pursuit covered by the accelerated payment.*

17 “(5) *Basic educational assistance shall be paid on an*
 18 *accelerated basis under this subsection as follows:*

19 “(A) *In the case of assistance for a course lead-*
 20 *ing to a standard college degree, at the beginning of*
 21 *the quarter, semester, or term of the course in a lump-*
 22 *sum amount equivalent to the aggregate amount of*
 23 *monthly assistance otherwise payable under this sub-*
 24 *chapter for the quarter, semester, or term, as the case*
 25 *may be, of the course.*

1 “(B) *In the case of assistance for a course other*
 2 *than a course referred to in subparagraph (A)—*

3 “(i) *at the later of (I) the beginning of the*
 4 *course, or (II) a reasonable time after the request*
 5 *for payment by the individual concerned; and*

6 “(ii) *in any amount requested by the indi-*
 7 *vidual concerned within the limit, if any, speci-*
 8 *fied in the regulations prescribed by the Sec-*
 9 *retary under paragraph (6), with such limit not*
 10 *to exceed the aggregate amount of monthly assist-*
 11 *ance otherwise payable under this subchapter for*
 12 *the period of the course.*

13 “(6) *The Secretary shall prescribe regulations for pur-*
 14 *poses of making payments of basic educational assistance*
 15 *on an accelerated basis under this subsection. Such regula-*
 16 *tions shall include requirements relating to the request for,*
 17 *making and delivery of, and receipt and use of such pay-*
 18 *ments and may include a limit on the amount payable for*
 19 *a course under paragraph (5)(B)(ii).”.*

20 **SEC. 309. VETERANS EDUCATION AND VOCATIONAL TRAIN-**
 21 **ING BENEFITS PROVIDED BY THE STATES.**

22 (a) *ANNUAL REPORT.*—(1) *Not later than six months*
 23 *after the date of the enactment of this Act, and January*
 24 *31 of each year thereafter, the Secretary of Veterans Affairs*
 25 *shall, in consultation with the Secretary of Education, the*

1 *Secretary of Defense, and the Secretary of Labor, submit*
2 *to the Committees on Veterans' Affairs of the Senate and*
3 *the House of Representatives a report on veterans education*
4 *and vocational training benefits provided by the States.*

5 (2) *A report under paragraph (1) shall include, for*
6 *the one-year period ending on the date of the report, the*
7 *following:*

8 (A) *A description of the assistance in securing*
9 *post-secondary education and vocational training*
10 *provided veterans by each State.*

11 (B) *A list of the States which provide veterans*
12 *full or partial waivers of tuition for attending insti-*
13 *tutions of higher education that are State-supported.*

14 (C) *A description of the actions taken by the De-*
15 *partment of Veterans Affairs, Department of Defense,*
16 *Department of Education, and Department of Labor*
17 *to encourage the States to provide benefits designed to*
18 *assist veterans in securing post-secondary education*
19 *and vocational training.*

20 (b) *SENSE OF CONGRESS REGARDING STATE VET-*
21 *ERANS EDUCATION AND VOCATIONAL TRAINING BENE-*
22 *FITS.—(1) Congress makes the following findings:*

23 (A) *The peace and prosperity of the citizens of*
24 *the States are ensured by the voluntary service of men*
25 *and women in the Armed Forces.*

1 (B) Veterans benefit from the military training
2 and discipline and the success-oriented attitude that
3 are inculcated by service in the Armed Forces.

4 (C) It is in the social and economic interests of
5 the States to take advantage of the positive personal
6 attributes of veterans which are nurtured through
7 service in the Armed Forces.

8 (D) A post-secondary education provides vet-
9 erans the means to maximize their contribution to the
10 society and economy of the States.

11 (E) Some States have recognized that it is in
12 their interest to provide veterans post-secondary edu-
13 cation on a tuition-free basis.

14 (2) It is the sense of Congress that each of the States
15 should admit qualified veterans to publicly-supported insti-
16 tutions of higher education on a tuition-free basis.

17 (c) STATE DEFINED.—In this section, the term “State”
18 has the meaning given that term in section 101(20) of title
19 38, United States Code.

20 **TITLE IV—MEMORIAL AFFAIRS**

21 **Subtitle A—Arlington National** 22 **Cemetery**

23 **SEC. 401. SHORT TITLE.**

24 This subtitle may be cited as the “Arlington National
25 Cemetery Burial and Inurnment Eligibility Act of 1999”.

1 **SEC. 402. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON**
2 **NATIONAL CEMETERY.**

3 *(a) IN GENERAL.—(1) Chapter 24 is amended by add-*
4 *ing at the end the following new section:*

5 **“§ 2412. Arlington National Cemetery: persons eligible**
6 **for burial**

7 *“(a) PRIMARY ELIGIBILITY.—The remains of the fol-*
8 *lowing individuals may be buried in Arlington National*
9 *Cemetery:*

10 *“(1) Any member of the Armed Forces who dies*
11 *while on active duty.*

12 *“(2) Any retired member of the Armed Forces*
13 *and any person who served on active duty and at the*
14 *time of death was entitled (or but for age would have*
15 *been entitled) to retired pay under chapter 1223 of*
16 *title 10.*

17 *“(3) Any former member of the Armed Forces*
18 *separated for physical disability before October 1,*
19 *1949, who—*

20 *“(A) served on active duty; and*

21 *“(B) would have been eligible for retirement*
22 *under the provisions of section 1201 of title 10*
23 *(relating to retirement for disability) had that*
24 *section been in effect on the date of separation of*
25 *the member.*

1 “(4) *Any former member of the Armed Forces*
2 *whose last active duty military service terminated*
3 *honorably and who has been awarded one of the fol-*
4 *lowing decorations:*

5 “(A) *Medal of Honor.*

6 “(B) *Distinguished Service Cross, Air Force*
7 *Cross, or Navy Cross.*

8 “(C) *Distinguished Service Medal.*

9 “(D) *Silver Star.*

10 “(E) *Purple Heart.*

11 “(5) *Any former prisoner of war who dies on or*
12 *after November 30, 1993.*

13 “(6) *The President or any former President.*

14 “(7) *Any former member of the Armed Forces*
15 *whose last discharge or separation from active duty*
16 *was under honorable conditions and who is or was*
17 *one of the following:*

18 “(A) *Vice President.*

19 “(B) *Member of Congress.*

20 “(C) *Chief Justice or Associate Justice of*
21 *the Supreme Court.*

22 “(D) *The head of an Executive department*
23 *(as such departments are listed in section 101 of*
24 *title 5).*

1 “(E) *An individual who served in the for-*
2 *ign or national security services, if such indi-*
3 *vidual died as a result of a hostile action outside*
4 *the United States in the course of such service.*

5 “(8) *Any individual whose eligibility is author-*
6 *ized in accordance with subsection (b).*

7 “(b) *ADDITIONAL AUTHORIZATIONS OF BURIAL.—(1)*
8 *In the case of a former member of the Armed Forces not*
9 *otherwise covered by subsection (a) whose last discharge or*
10 *separation from active duty was under honorable condi-*
11 *tions, if the Secretary of Defense makes a determination re-*
12 *ferred to in paragraph (3) with respect to such member,*
13 *the Secretary of Defense may authorize the burial of the*
14 *remains of such former member in Arlington National Cem-*
15 *etry under subsection (a)(8).*

16 “(2) *In the case of any individual not otherwise cov-*
17 *ered by subsection (a) or paragraph (1), if the President*
18 *makes a determination referred to in paragraph (3) with*
19 *respect to such individual, the President may authorize the*
20 *burial of the remains of such individual in Arlington Na-*
21 *tional Cemetery under subsection (a)(8).*

22 “(3) *A determination referred to in paragraph (1) or*
23 *(2) is a determination that the acts, service, or other con-*
24 *tributions to the Nation of the former member or individual*
25 *concerned are of equal or similar merit to the acts, service,*

1 *or other contributions to the Nation of any of the persons*
2 *listed in subsection (a).*

3 “(4)(A) *In the case of an authorization for burial*
4 *under this subsection, the President or the Secretary of De-*
5 *fense, as the case may be, shall submit to the Committees*
6 *on Veterans’ Affairs of the Senate and the House of Rep-*
7 *resentatives a report on the authorization not later than*
8 *72 hours after the authorization.*

9 “(B) *Each report under subparagraph (A) shall—*

10 “(i) *identify the individual authorized for bur-*
11 *ial; and*

12 “(ii) *provide a justification for the authorization*
13 *for burial.*

14 “(5)(A) *In the case of an authorization for burial*
15 *under this subsection, the President or the Secretary of De-*
16 *fense, as the case may be, shall publish in the Federal Reg-*
17 *ister a notice of the authorization as soon as practicable*
18 *after the authorization.*

19 “(B) *Each notice under subparagraph (A) shall—*

20 “(i) *identify the individual authorized for bur-*
21 *ial; and*

22 “(ii) *provide a justification for the authorization*
23 *for burial.*

1 “(c) *ELIGIBILITY OF FAMILY MEMBERS.*—*The remains*
2 *of the following individuals may be buried in Arlington Na-*
3 *tional Cemetery:*

4 “(1)(A) *Except as provided in subparagraph*
5 *(B), the spouse, surviving spouse, minor child, and, at*
6 *the discretion of the Superintendent, unmarried adult*
7 *child of a person listed in subsection (a), but only if*
8 *buried in the same gravesite as that person.*

9 “(B) *In a case under subparagraph (A) in which*
10 *the same gravesite may not be used due to insufficient*
11 *space, a person otherwise eligible under that subpara-*
12 *graph may be interred in a gravesite adjoining the*
13 *gravesite of the person listed in subsection (a) if space*
14 *in such adjoining gravesite had been reserved for the*
15 *burial of such person otherwise eligible under that*
16 *subparagraph before January 1962.*

17 “(2)(A) *The spouse, minor child, and, at the dis-*
18 *cretion of the Superintendent, unmarried adult child*
19 *of a member of the Armed Forces on active duty if*
20 *such spouse, minor child, or unmarried adult child*
21 *dies while such member is on active duty.*

22 “(B) *The individual whose spouse, minor child,*
23 *and unmarried adult child is eligible under subpara-*
24 *graph (A), but only if buried in the same gravesite*
25 *as the spouse, minor child, or unmarried adult child.*

1 “(3) *The parents of a minor child or unmarried*
2 *adult child whose remains, based on the eligibility of*
3 *a parent, are already buried in Arlington National*
4 *Cemetery, but only if buried in the same gravesite as*
5 *that minor child or unmarried adult child.*

6 “(4)(A) *Subject to subparagraph (B), the sur-*
7 *living spouse, minor child, and, at the discretion of*
8 *the Superintendent, unmarried adult child of a mem-*
9 *ber of the Armed Forces who was lost, buried at sea,*
10 *or officially determined to be permanently absent in*
11 *a status of missing or missing in action.*

12 “(B) *A person is not eligible under subpara-*
13 *graph (A) if a memorial to honor the memory of the*
14 *member is placed in a cemetery in the national ceme-*
15 *tery system, unless the memorial is removed. A memo-*
16 *rial removed under this subparagraph may be placed,*
17 *at the discretion of the Superintendent, in Arlington*
18 *National Cemetery.*

19 “(5) *The surviving spouse, minor child, and, at*
20 *the discretion of the Superintendent, unmarried adult*
21 *child of a member of the Armed Forces buried in a*
22 *cemetery under the jurisdiction of the American Bat-*
23 *tle Monuments Commission.*

24 “(d) *SPOUSES.—For purposes of subsection (c)(1), a*
25 *surviving spouse of a person whose remains are buried in*

1 *Arlington National Cemetery by reason of eligibility under*
 2 *subsection (a) who has remarried is eligible for burial in*
 3 *the same gravesite of that person. The spouse of the sur-*
 4 *living spouse is not eligible for burial in such gravesite.*

5 “(e) *DISABLED ADULT UNMARRIED CHILDREN.—In*
 6 *the case of an unmarried adult child who is incapable of*
 7 *self-support up to the time of death because of a physical*
 8 *or mental condition, the child may be buried under sub-*
 9 *section (c) without requirement for approval by the Super-*
 10 *intendent under that subsection if the burial is in the same*
 11 *gravesite as the gravesite in which the parent, who is eligi-*
 12 *ble for burial under subsection (a), has been or will be bur-*
 13 *ied.*

14 “(f) *FAMILY MEMBERS OF PERSONS BURIED IN A*
 15 *GROUP GRAVESITE.—In the case of a person eligible for*
 16 *burial under subsection (a) who is buried in Arlington Na-*
 17 *tional Cemetery as part of a group burial, the surviving*
 18 *spouse, minor child, or unmarried adult child of the mem-*
 19 *ber may not be buried in the group gravesite.*

20 “(g) *EXCLUSIVE AUTHORITY FOR BURIAL IN ARLING-*
 21 *TON NATIONAL CEMETERY.—Eligibility for burial of re-*
 22 *mains in Arlington National Cemetery prescribed under*
 23 *this section is the exclusive eligibility for such burial.*

24 “(h) *APPLICATION FOR BURIAL.—A request for burial*
 25 *of remains of an individual in Arlington National Ceme-*

1 *tery made before the death of the individual may not be*
 2 *considered by the Secretary of the Army, the Secretary of*
 3 *Defense, or any other responsible official.*

4 “(i) *REGISTER OF BURIED INDIVIDUALS.—(1) The*
 5 *Secretary of the Army shall maintain a register of each in-*
 6 *dividual buried in Arlington National Cemetery and shall*
 7 *make such register available to the public.*

8 “(2) *With respect to each such individual buried on*
 9 *or after January 1, 1998, the register shall include a brief*
 10 *description of the basis of eligibility of the individual for*
 11 *burial in Arlington National Cemetery.*

12 “(j) *DEFINITIONS.—For purposes of this section:*

13 “(1) *The term ‘retired member of the Armed*
 14 *Forces’ means—*

15 “(A) *any member of the Armed Forces on a*
 16 *retired list who served on active duty and who*
 17 *is entitled to retired pay;*

18 “(B) *any member of the Fleet Reserve or*
 19 *Fleet Marine Corps Reserve who served on active*
 20 *duty and who is entitled to retainer pay; and*

21 “(C) *any member of a reserve component of*
 22 *the Armed Forces who has served on active duty*
 23 *and who has received notice from the Secretary*
 24 *concerned under section 12731(d) of title 10 of*

1 *eligibility for retired pay under chapter 1223 of*
 2 *title 10.*

3 “(2) *The term ‘former member of the Armed*
 4 *Forces’ includes a person whose service is considered*
 5 *active duty service pursuant to a determination of the*
 6 *Secretary of Defense under section 401 of Public Law*
 7 *95–202 (38 U.S.C. 106 note).*

8 “(3) *The term ‘Superintendent’ means the Su-*
 9 *perintendent of Arlington National Cemetery.’.*

10 (2) *The table of sections at the beginning of chapter*
 11 *24 is amended by adding at the end the following new item:*

“2412. Arlington National Cemetery: persons eligible for burial.”.

12 (b) *PUBLICATION OF UPDATED PAMPHLET.—Not later*
 13 *than 180 days after the date of enactment of this Act, the*
 14 *Secretary of the Army shall publish an updated pamphlet*
 15 *describing eligibility for burial in Arlington National Cem-*
 16 *etry. The pamphlet shall reflect the provisions of section*
 17 *2412 of title 38, United States Code, as added by subsection*
 18 *(a).*

19 (c) *TECHNICAL AMENDMENTS.—Section 2402(7) is*
 20 *amended—*

21 (1) *by inserting “(or but for age would have been*
 22 *entitled)” after “was entitled”;*

23 (2) *by striking “chapter 67” and inserting*
 24 *“chapter 1223”; and*

1 (3) by striking “or would have been entitled to”
 2 and all that follows and inserting a period.

3 (d) *EFFECTIVE DATE*.—Section 2412 of title 38,
 4 United States Code, as added by subsection (a), shall apply
 5 with respect to individuals dying on or after the date of
 6 the enactment of this Act.

7 **SEC. 403. PERSONS ELIGIBLE FOR PLACEMENT IN THE COL-**
 8 **UMBARIUM IN ARLINGTON NATIONAL CEME-**
 9 **TERY.**

10 (a) *IN GENERAL*.—(1) Chapter 24 is amended by add-
 11 ing after section 2412, as added by section 402(a)(1) of this
 12 Act, the following new section:

13 **“§2413. Arlington National Cemetery: persons eligible**
 14 **for placement in columbarium**

15 “(a) *ELIGIBILITY*.—The cremated remains of the fol-
 16 lowing individuals may be placed in the columbarium in
 17 Arlington National Cemetery:

18 “(1) A person eligible for burial in Arlington
 19 National Cemetery under section 2412 of this title.

20 “(2)(A) A veteran whose last period of active
 21 duty service (other than active duty for training)
 22 ended honorably.

23 “(B) The spouse, surviving spouse, minor child,
 24 and, at the discretion of the Superintendent of Arling-

1 *ton National Cemetery, unmarried adult child of such*
 2 *a veteran.*

3 “(b) *SPOUSE*.—Section 2412(d) of this title shall apply
 4 *to a spouse under this section in the same manner as it*
 5 *applies to a spouse under section 2412 of this title.*”.

6 (2) *The table of sections at the beginning of chapter*
 7 *24 is amended by adding after section 2412, as added by*
 8 *section 402(a)(2) of this Act, the following new item:*

“2413. Arlington National Cemetery: persons eligible for placement in columbarium.”.

9 (b) *EFFECTIVE DATE*.—Section 2413 of title 38,
 10 *United States Code, as added by subsection (a), shall apply*
 11 *with respect to individuals dying on or after the date of*
 12 *the enactment of this Act.*

13 ***Subtitle B—Other Memorial***
 14 ***Matters***

15 ***SEC. 411. ESTABLISHMENT OF ADDITIONAL NATIONAL***
 16 ***CEMETERIES.***

17 (a) *IN GENERAL*.—The Secretary of Veterans Affairs
 18 *shall establish, in accordance with chapter 24 of title 38,*
 19 *United States Code, the following:*

20 (1) *A national cemetery in the Atlanta, Georgia,*
 21 *metropolitan area to serve the needs of veterans and*
 22 *their families.*

1 (2) *A national cemetery in Southwestern Penn-*
2 *sylvania to serve the needs of veterans and their fami-*
3 *lies.*

4 (3) *A national cemetery in the Miami, Florida,*
5 *metropolitan area to serve the needs of veterans and*
6 *their families.*

7 (4) *A national cemetery in the Detroit, Michi-*
8 *gan, metropolitan area to serve the needs of veterans*
9 *and their families.*

10 (5) *A national cemetery in the Sacramento,*
11 *California, metropolitan area to serve the needs of*
12 *veterans and their families.*

13 (b) *CONSULTATION IN SELECTION OF SITES.—Before*
14 *selecting the sites for the national cemeteries to be estab-*
15 *lished under subsection (a), the Secretary shall consult*
16 *with—*

17 (1) *in the case of the national cemetery to be es-*
18 *tablished under paragraph (1) of that subsection, ap-*
19 *propriate officials of the State of Georgia and appro-*
20 *priate officials of local governments in the Atlanta,*
21 *Georgia, metropolitan area;*

22 (2) *in the case of the national cemetery to be es-*
23 *tablished under paragraph (2) of that subsection, ap-*
24 *propriate officials of the State of Pennsylvania and*

1 *appropriate officials of local governments in South-*
2 *western Pennsylvania;*

3 *(3) in the case of the national cemetery to be es-*
4 *tablished under paragraph (3) of that subsection, ap-*
5 *propriate officials of the State of Florida and appro-*
6 *priate officials of local governments in the Miami,*
7 *Florida, metropolitan area;*

8 *(4) in the case of the national cemetery to be es-*
9 *tablished under paragraph (4) of that subsection, ap-*
10 *propriate officials of the State of Michigan and ap-*
11 *propriate officials of local governments in the Detroit,*
12 *Michigan, metropolitan area;*

13 *(5) in the case of the national cemetery to be es-*
14 *tablished under paragraph (5) of that subsection, ap-*
15 *propriate officials of the State of California and ap-*
16 *propriate officials of local governments in the Sac-*
17 *ramento, California, metropolitan area; and*

18 *(6) appropriate officials of the United States, in-*
19 *cluding the Administrator of General Services, with*
20 *respect to land belonging to the United States that*
21 *would be suitable as a location for the establishment*
22 *of each such national cemetery.*

23 *(c) REPORT.—As soon as practicable after the date of*
24 *the enactment of this Act, the Secretary shall submit to Con-*
25 *gress a report on the establishment of the national ceme-*

1 *teries under subsection (a). The report shall set forth a*
 2 *schedule for the establishment of each such cemetery and*
 3 *an estimate of the costs associated with the establishment*
 4 *of each such cemetery.*

5 **SEC. 412. USE OF FLAT GRAVE MARKERS AT SANTA FE NA-**
 6 **TIONAL CEMETERY, NEW MEXICO.**

7 *(a) AUTHORITY TO USE FLAT GRAVE MARKERS AT*
 8 *SANTA FE NATIONAL CEMETERY.—Notwithstanding section*
 9 *2404(c)(2) of title 38, United States Code, the Secretary of*
 10 *Veterans Affairs may provide for flat grave markers at the*
 11 *Santa Fe National Cemetery, New Mexico.*

12 *(b) REPORT COMPARING USE OF FLAT GRAVE MARK-*
 13 *ERS AND UPRIGHT GRAVE MARKERS.—(1) Not later than*
 14 *90 days after the date of the enactment of this Act, the Sec-*
 15 *retary of Veterans Affairs shall submit to the Committees*
 16 *on Veterans' Affairs of the Senate and the House of Rep-*
 17 *resentatives a report assessing the advantages and dis-*
 18 *advantages of the use by the National Cemetery Adminis-*
 19 *tration of flat grave markers and upright grave markers.*

20 *(2) The report under paragraph (1) shall set forth the*
 21 *advantages and disadvantages of the use of each type of*
 22 *grave marker referred to in that paragraph, and shall in-*
 23 *clude criteria to be utilizing in determining whether to pre-*
 24 *fer the use of one such type of grave marker over the other.*

1 ***Subtitle C—World War II Memorial***

2 ***SEC. 421. SHORT TITLE.***

3 *This subtitle may be cited as the “World War II Memo-*
 4 *rial Completion Act”.*

5 ***SEC. 422. FUND RAISING BY AMERICAN BATTLE MONU-***
 6 ***MENTS COMMISSION FOR WORLD WAR II ME-***
 7 ***MORIAL.***

8 *(a) CODIFICATION OF EXISTING AUTHORITY; EXPAN-*
 9 *SION OF AUTHORITY.—(1) Chapter 21 of title 36, United*
 10 *States Code, is amended by adding at the end the following*
 11 *new section:*

12 ***“§2113. World War II memorial in the District of Co-***
 13 ***lumbia***

14 *“(a) DEFINITIONS.—In this section:*

15 *“(1) The term ‘World War II memorial’ means*
 16 *the memorial authorized by Public Law 103–32 (107*
 17 *Stat. 90) to be established by the American Battle*
 18 *Monuments Commission on Federal land in the Dis-*
 19 *trict of Columbia or its environs to honor members of*
 20 *the Armed Forces who served in World War II and*
 21 *to commemorate the participation of the United*
 22 *States in that war.*

23 *“(2) The term ‘Commission’ means the American*
 24 *Battle Monuments Commission.*

1 “(3) *The term ‘memorial fund’ means the fund*
2 *created by subsection (c).*

3 “(b) *SOLICITATION AND ACCEPTANCE OF CONTRIBU-*
4 *TIONS.—Consistent with the authority of the Commission*
5 *under section 2103(e) of this title, the Commission shall so-*
6 *licit and accept contributions for the World War II memo-*
7 *rial.*

8 “(c) *CREATION OF MEMORIAL FUND.—(1) There is*
9 *hereby created in the Treasury a fund for the World War*
10 *II memorial, which shall consist of the following:*

11 “(A) *Amounts deposited, and interest and pro-*
12 *ceeds credited, under paragraph (2).*

13 “(B) *Obligations obtained under paragraph (3).*

14 “(C) *The amount of surcharges paid to the Com-*
15 *mission for the World War II memorial under the*
16 *World War II 50th Anniversary Commemorative*
17 *Coins Act.*

18 “(D) *Amounts borrowed using the authority pro-*
19 *vided under subsection (e).*

20 “(E) *Any funds received by the Commission*
21 *under section 2103(l) of this title in exchange for use*
22 *of, or the right to use, any mark, copyright or patent.*

23 “(2) *The Chairman of the Commission shall deposit*
24 *in the memorial fund the amounts accepted as contributions*
25 *under subsection (b). The Secretary of the Treasury shall*

1 *credit to the memorial fund the interest on, and the proceeds*
2 *from sale or redemption of, obligations held in the memorial*
3 *fund.*

4 “(3) *The Secretary of the Treasury shall invest any*
5 *portion of the memorial fund that, as determined by the*
6 *Chairman of the Commission, is not required to meet cur-*
7 *rent expenses. Each investment shall be made in an interest*
8 *bearing obligation of the United States or an obligation*
9 *guaranteed as to principal and interest by the United*
10 *States that, as determined by the Chairman of the Commis-*
11 *sion, has a maturity suitable for the memorial fund.*

12 “(d) *USE OF MEMORIAL FUND.—The memorial fund*
13 *shall be available to the Commission for—*

14 “(1) *the expenses of establishing the World War*
15 *II memorial, including the maintenance and preser-*
16 *vation amount provided for in section 8(b) of the*
17 *Commemorative Works Act (40 U.S.C. 1008(b));*

18 “(2) *such other expenses, other than routine*
19 *maintenance, with respect to the World War II memo-*
20 *rial as the Commission considers warranted; and*

21 “(3) *to secure, obtain, register, enforce, protect,*
22 *and license any mark, copyright or patent that is*
23 *owned by, assigned to, or licensed to the Commission*
24 *under section 2103(l) of this title to aid or facilitate*
25 *the construction of the World War II memorial.*

1 “(e) *SPECIAL BORROWING AUTHORITY.*—(1) *To assure*
2 *that groundbreaking, construction, and dedication of the*
3 *World War II memorial are completed on a timely basis,*
4 *the Commission may borrow money from the Treasury of*
5 *the United States in such amounts as the Commission con-*
6 *siders necessary, but not to exceed a total of \$65,000,000.*
7 *Borrowed amounts shall bear interest at a rate determined*
8 *by the Secretary of the Treasury, taking into consideration*
9 *the average market yield on outstanding marketable obliga-*
10 *tions of the United States of comparable maturities during*
11 *the month preceding the month in which the obligations of*
12 *the Commission are issued. The interest payments on such*
13 *obligations may be deferred with the approval of the Sec-*
14 *retary of the Treasury, but any interest payment so deferred*
15 *shall also bear interest.*

16 “(2) *The borrowing of money by the Commission under*
17 *paragraph (1) shall be subject to such maturities, terms,*
18 *and conditions as may be agreed upon by the Commission*
19 *and the Secretary of the Treasury, except that the matu-*
20 *rities may not exceed 20 years and such borrowings may*
21 *be redeemable at the option of the Commission before matu-*
22 *rity.*

23 “(3) *The obligations of the Commission shall be issued*
24 *in amounts and at prices approved by the Secretary of the*
25 *Treasury. The authority of the Commission to issue obliga-*

1 tions under this subsection shall remain available without
 2 fiscal year limitation. The Secretary of the Treasury shall
 3 purchase any obligations of the Commission to be issued
 4 under this subsection, and for such purpose the Secretary
 5 of the Treasury may use as a public debt transaction of
 6 the United States the proceeds from the sale of any securi-
 7 ties issued under chapter 31 of title 31. The purposes for
 8 which securities may be issued under such chapter are ex-
 9 tended to include any purchase of the Commission's obliga-
 10 tions under this subsection.

11 “(4) Repayment of the interest and principal on any
 12 funds borrowed by the Commission under paragraph (1)
 13 shall be made from amounts in the memorial fund. The
 14 Commission may not use for such purpose any funds appro-
 15 priated for any other activities of the Commission.

16 “(f) TREATMENT OF BORROWING AUTHORITY.—In de-
 17 termining whether the Commission has sufficient funds to
 18 complete construction of the World War II memorial, as re-
 19 quired by section 8 of the Commemorative Works Act (40
 20 U.S.C. 1008), the Secretary of the Interior shall consider
 21 the funds that the Commission may borrow from the Treas-
 22 ury under subsection (e) as funds available to complete con-
 23 struction of the memorial, whether or not the Commission
 24 has actually exercised the authority to borrow such funds.

1 “(g) *VOLUNTARY SERVICES*.—(1) *Notwithstanding sec-*
2 *tion 1342 of title 31, the Commission may accept from any*
3 *person voluntary services to be provided in furtherance of*
4 *the fund-raising activities of the Commission relating to the*
5 *World War II memorial.*

6 “(2) *A person providing voluntary services under this*
7 *subsection shall be considered to be a Federal employee for*
8 *purposes of chapter 81 of title 5, relating to compensation*
9 *for work-related injuries, and chapter 171 of title 28, relat-*
10 *ing to tort claims. A volunteer who is not otherwise em-*
11 *ployed by the Federal Government shall not be considered*
12 *to be a Federal employee for any other purpose by reason*
13 *of the provision of such voluntary service, except that any*
14 *volunteers given responsibility for the handling of funds or*
15 *the carrying out of a Federal function are subject to the*
16 *conflict of interest laws contained in chapter 11 of title 18,*
17 *and the administrative standards of conduct contained in*
18 *part 2635 of title 5, Code of Federal Regulations.*

19 “(3) *The Commission may provide for reimbursement*
20 *of incidental expenses which are incurred by a person pro-*
21 *viding voluntary services under this subsection. The Com-*
22 *mission shall determine which expenses are eligible for re-*
23 *imbursement under this paragraph.*

24 “(4) *Nothing in this subsection shall be construed to*
25 *require Federal employees to work without compensation or*

1 *to allow the use of volunteer services to displace or replace*
 2 *Federal employees.*

3 “(h) *TREATMENT OF CERTAIN CONTRACTS.*—A con-
 4 *tract entered into by the Commission for the design or con-*
 5 *struction of the World War II memorial is not a funding*
 6 *agreement as that term is defined in section 201 of title*
 7 *35.*

8 “(i) *EXTENSION OF AUTHORITY TO ESTABLISH ME-*
 9 *MORIAL.*—Notwithstanding section 10 of the *Commemora-*
 10 *tive Works Act (40 U.S.C. 1010), the legislative authoriza-*
 11 *tion for the construction of the World War II memorial con-*
 12 *tained in Public Law 103–32 (107 Stat. 90) shall not ex-*
 13 *pire until December 31, 2005.”.*

14 (2) *The table of sections at the beginning of chapter*
 15 *21 of title 36, United States Code, is amended by adding*
 16 *at the end the following new item:*

“2113. World War II memorial in the District of Columbia.”.

17 (b) *CONFORMING AMENDMENTS.*—Public Law 103–32
 18 *(107 Stat. 90) is amended by striking sections 3, 4, and*
 19 *5.*

20 (c) *EFFECT OF REPEAL OF CURRENT MEMORIAL*
 21 *FUND.*—Upon the date of the enactment of this Act, the Sec-
 22 *retary of the Treasury shall transfer amounts in the fund*
 23 *created by section 4(a) of Public Law 103–32 (107 Stat.*
 24 *91) to the fund created by section 2113 of title 36, United*
 25 *States Code, as added by subsection (a).*

1 **SEC. 423. GENERAL AUTHORITY OF AMERICAN BATTLE**
2 **MONUMENTS COMMISSION TO SOLICIT AND**
3 **RECEIVE CONTRIBUTIONS.**

4 *Subsection (e) of section 2103 of title 36, United States*
5 *Code, is amended to read as follows:*

6 “(e) *SOLICITATION AND RECEIPT OF CONTRIBU-*
7 *TIONS.—(1) The Commission may solicit and receive funds*
8 *and in-kind donations and gifts from any State, municipal,*
9 *or private source to carry out the purposes of this chapter.*
10 *The Commission shall deposit such funds in a separate ac-*
11 *count in the Treasury. Funds from this account shall be*
12 *disbursed upon vouchers approved by the Chairman of the*
13 *Commission as well as by a Federal official authorized to*
14 *sign payment vouchers.*

15 “(2) *The Commission shall establish written guidelines*
16 *setting forth the criteria to be used in determining whether*
17 *the acceptance of funds and in-kind donations and gifts*
18 *under paragraph (1) would—*

19 “(A) *reflect unfavorably on the ability of the*
20 *Commission, or any employee of the Commission, to*
21 *carry out the responsibilities or official duties of the*
22 *Commission in a fair and objective manner; or*

23 “(B) *compromise the integrity or the appearance*
24 *of the integrity of the programs of the Commission or*
25 *any official involved in those programs.”.*

1 **SEC. 424. INTELLECTUAL PROPERTY AND RELATED ITEMS.**

2 *Section 2103 of title 36, United States Code, is amend-*
3 *ed by adding at the end the following new subsection:*

4 “(l) *INTELLECTUAL PROPERTY AND RELATED*
5 *ITEMS.—(1) The Commission may—*

6 “(A) *adopt, use, register, and license trademarks,*
7 *service marks, and other marks;*

8 “(B) *obtain, use, register, and license the use of*
9 *copyrights consistent with section 105 of title 17;*

10 “(C) *obtain, use, and license patents; and*

11 “(D) *accept gifts of marks, copyrights, patents*
12 *and licenses for use by the Commission.*

13 “(2) *The Commission may grant exclusive and non-*
14 *exclusive licenses in connection with any mark, copyright,*
15 *patent, or license for the use of such mark, copyright or*
16 *patent, except to extent the grant of such license by the Com-*
17 *mission would be contrary to any contract or license by*
18 *which the use of such mark, copyright or patent was ob-*
19 *tained.*

20 “(3) *The Commission may enforce any mark, copy-*
21 *right, or patent by an action in the district courts under*
22 *any law providing for the protection of such marks, copy-*
23 *rights, or patents.*

24 “(4) *The Attorney General shall furnish the Commis-*
25 *sion with such legal representation as the Commission may*
26 *require under paragraph (3). The Secretary of Defense shall*

1 *provide representation for the Commission in administra-*
 2 *tive proceedings before the Patent and Trademark Office*
 3 *and Copyright Office.*

4 “(5) Section 203 of title 17 shall not apply to any
 5 copyright transferred in any manner to the Commission.”.

6 **TITLE V—UNITED STATES**
 7 **COURT OF APPEALS FOR VET-**
 8 **ERANS CLAIMS**

9 **SEC. 501. TEMPORARY SERVICE OF CERTAIN JUDGES OF**
 10 **UNITED STATES COURT OF APPEALS FOR**
 11 **VETERANS CLAIMS UPON EXPIRATION OF**
 12 **THEIR TERMS OR RETIREMENT.**

13 (a) *AUTHORITY FOR TEMPORARY SERVICE.*—(1) *Not-*
 14 *withstanding subsection (c) of section 7253 of title 38,*
 15 *United States Code, and subject to the provisions of this*
 16 *section, a judge of the Court whose term on the Court ex-*
 17 *pires in 2004 or 2005 and completes such term, or who re-*
 18 *tires from the Court under section 7296(b)(1) of such title,*
 19 *may continue to serve on the Court after the expiration of*
 20 *the judge’s term or retirement, as the case may be, without*
 21 *reappointment for service on the Court under such section*
 22 *7253.*

23 (2) *A judge may continue to serve on the Court under*
 24 *paragraph (1) only if the judge submits to the chief judge*

1 *of the Court written notice of an election to so serve 30 days*
2 *before the earlier of—*

3 *(A) the expiration of the judge's term on the*
4 *Court as described in that paragraph; or*

5 *(B) the date on which the judge meets the age*
6 *and service requirements for eligibility for retirement*
7 *set forth in section 7296(b)(1) of such title.*

8 *(3) The total number of judges serving on the Court*
9 *at any one time, including the judges serving under this*
10 *section, may not exceed 7.*

11 *(b) PERIOD OF TEMPORARY SERVICE.—(1) The service*
12 *of a judge on the Court under this section may continue*
13 *until the earlier of—*

14 *(A) the date that is 30 days after the date on*
15 *which the chief judge of the Court submits to the*
16 *President and Congress a written certification based*
17 *on the projected caseload of the Court that the work*
18 *of the Court can be performed in a timely and effi-*
19 *cient manner by judges of the Court under this sec-*
20 *tion who are senior on the Court to the judge electing*
21 *to continue to provide temporary service under this*
22 *section or without judges under this section; or*

23 *(B) the date on which the person appointed to*
24 *the position on the Court occupied by the judge under*
25 *this section is qualified for the position.*

1 (2) *Subsections (f) and (g) of section 7253 of title 38,*
 2 *United States Code, shall apply with respect to the service*
 3 *of a judge on the Court under this section.*

4 (c) *TEMPORARY SERVICE IN OTHER POSITIONS.—(1)*
 5 *If on the date that the person appointed to the position on*
 6 *the Court occupied by a judge under this section is qualified*
 7 *another position on the Court is vacant, the judge may serve*
 8 *in such other position under this section.*

9 (2) *If two or more judges seek to serve in a position*
 10 *on the Court in accordance with paragraph (1), the judge*
 11 *senior in service on the Court shall serve in the position*
 12 *under that paragraph.*

13 (d) *COMPENSATION.—(1) Notwithstanding any other*
 14 *provision of law, a person whose service as a judge of the*
 15 *Court continues under this section shall be paid for the pe-*
 16 *riod of service under this section an amount as follows:*

17 (A) *In the case of a person eligible to receive re-*
 18 *tired pay under subchapter V of chapter 72 of title*
 19 *38, United States Code, or a retirement annuity*
 20 *under subchapter III of chapter 83 or subchapter II*
 21 *of chapter 84 of title 5, United States Code, as appli-*
 22 *cable, an amount equal to one-half of the amount of*
 23 *the current salary payable to a judge of the Court*
 24 *under chapter 72 of title 38, United States Code, hav-*

1 *ing a status on the Court equivalent to the highest*
2 *status on the Court attained by the person.*

3 *(B) In the case of a person not eligible to receive*
4 *such retired pay or such retirement annuity, an*
5 *amount equal to the amount of current salary pay-*
6 *able to a judge of the Court under such chapter 72*
7 *having a status on the Court equivalent to the highest*
8 *status on the Court attained by the person.*

9 *(2) Amounts paid under this subsection to a person*
10 *described in paragraph (1)(A)—*

11 *(A) shall not be treated as—*

12 *(i) compensation for employment with the*
13 *United States for purposes of section 7296(e) of*
14 *title 38, United States Code, or any provision of*
15 *title 5, United States Code, relating to the re-*
16 *ceipt or forfeiture of retired pay or retirement*
17 *annuities by a person accepting compensation*
18 *for employment with the United States; or*

19 *(ii) pay for purposes of deductions or con-*
20 *tributions for or on behalf of the person to re-*
21 *tired pay under subchapter V of chapter 72 of*
22 *title 38, United States Code, or under chapter 83*
23 *or 84 of title 5, United States Code, as applica-*
24 *ble; but*

1 (B) may, at the election of the person, be treated
2 as pay for purposes of deductions or contributions for
3 or on behalf of the person to a retirement or other an-
4 nuity, or both, under subchapter V of chapter 72 of
5 title 38, United States Code, or under chapter 83 or
6 84 of title 5, United States Code, as applicable.

7 (3) Amounts paid under this subsection to a person
8 described in paragraph (1)(B) shall be treated as pay for
9 purposes of deductions or contributions for or on behalf of
10 the person to retired pay or a retirement or other annuity
11 under subchapter V of chapter 72 of title 38, United States
12 Code, or under chapter 83 or 84 of title 5, United States
13 Code, as applicable.

14 (4) Amounts paid under this subsection shall be de-
15 rived from amounts available for payment of salaries and
16 benefits of judges of the Court.

17 (e) CREDITABLE SERVICE.—(1) The service as a judge
18 of the Court under this section of a person who makes an
19 election provided for under subsection (d)(2)(B) shall con-
20 stitute creditable service toward the judge's years of judicial
21 service for purposes of section 7297 of title 38, United States
22 Code, with such service creditable at a rate equal to the
23 rate at which such service would be creditable for such pur-
24 poses if served by a judge of the Court under chapter 72
25 of that title.

1 (2) *The service as a judge of the Court under this sec-*
 2 *tion of a person paid salary under subsection (d)(1)(B)*
 3 *shall constitute creditable service of the person toward re-*
 4 *tirement under subchapter V of chapter 72 of title 38,*
 5 *United States Code, or subchapter III of chapter 83 or sub-*
 6 *chapter II of chapter 84 of title 5, United States Code, as*
 7 *applicable.*

8 (f) *ELIGIBILITY FOR ADDITIONAL SERVICE.—The serv-*
 9 *ice of a person as a judge of the Court under this section*
 10 *shall not affect the eligibility of the person for appointment*
 11 *to an additional term or terms on the Court, whether in*
 12 *the position occupied by the person under this section or*
 13 *in another position on the Court.*

14 (g) *TREATMENT OF PARTY MEMBERSHIP.—For pur-*
 15 *poses of determining compliance with the last sentence of*
 16 *section 7253(b) of title 38, United States Code, the party*
 17 *membership of a judge serving on the Court under this sec-*
 18 *tion shall not be taken into account.*

19 **SEC. 502. MODIFIED TERMS FOR CERTAIN JUDGES OF**
 20 **UNITED STATES COURT OF APPEALS FOR**
 21 **VETERANS CLAIMS.**

22 (a) *MODIFIED TERMS.—Notwithstanding section*
 23 *7253(c) of title 38, United States Code, the term of any*
 24 *judge of the Court who is appointed to a position on the*
 25 *Court that becomes vacant in 2004 shall be 13 years.*

1 (b) *ELIGIBILITY FOR RETIREMENT.*—(1) *For purposes*
 2 *of determining the eligibility to retire under section 7296*
 3 *of title 38, United States Code, of a judge appointed as de-*
 4 *scribed in subsection (a)—*

5 (A) *the age and service requirements in the table*
 6 *in paragraph (2) shall apply to the judge instead of*
 7 *the age and service requirements in the table in sub-*
 8 *section (b)(1) of that section that would otherwise*
 9 *apply to the judge; and*

10 (B) *the minimum years of service applied to the*
 11 *judge for eligibility to retire under the first sentence*
 12 *of subsection (b)(2) of that section shall be 13 years*
 13 *instead of 15 years.*

14 (2) *The age and service requirements in this para-*
 15 *graph are as follows:*

<i>The judge has attained age:</i>	<i>And the years of service as a judge are at least</i>
65	13
66	13
67	13
68	12
69	11
70	10

1 **SEC. 503. TEMPORARY AUTHORITY FOR VOLUNTARY SEPA-**
2 **RATION INCENTIVES FOR CERTAIN JUDGES**
3 **ON UNITED STATES COURT OF APPEALS FOR**
4 **VETERANS CLAIMS.**

5 (a) *TEMPORARY AUTHORITY.*—A voluntary separation
6 incentive payment may be paid in accordance with this sec-
7 tion to any judge of the Court described in subsection (c).

8 (b) *AMOUNT OF INCENTIVE PAYMENT.*—The amount of
9 a voluntary separation incentive payment paid to a judge
10 under this section shall be \$25,000.

11 (c) *COVERED JUDGES.*—A voluntary separation incen-
12 tive payment may be paid under this section to any judge
13 of the Court who—

14 (1) *meets the age and service requirements for re-*
15 *irement set forth in section 7296(b)(1) of title 38,*
16 *United States Code, as of the date on which the judge*
17 *retires from the Court;*

18 (2) *submits a notice of an intent to retire in ac-*
19 *cordance with subsection (d); and*

20 (3) *retires from the Court under that section not*
21 *later than 30 days after the date on which the judge*
22 *meets such age and service requirements.*

23 (d) *NOTICE OF INTENT TO RETIRE.*—(1) *A judge of*
24 *the Court seeking payment of a voluntary separation incen-*
25 *tive payment under this section shall submit to the Presi-*
26 *dent and Congress a timely notice of an intent to retire*

1 *from the Court, together with a request for payment of the*
 2 *voluntary separation incentive payment.*

3 (2) *A notice shall be timely submitted under para-*
 4 *graph (1) only if submitted—*

5 (A) *not later than one year before the date of re-*
 6 *irement of the judge concerned from the Court; or*

7 (B) *in the case of a judge whose retirement from*
 8 *the Court will occur less than one year after the date*
 9 *of the enactment of this Act, not later than 30 days*
 10 *after the date of the enactment of this Act.*

11 (e) *DATE OF PAYMENT.—A voluntary separation in-*
 12 *centive payment may be paid to a judge of the Court under*
 13 *this section only upon the retirement of the judge from the*
 14 *Court.*

15 (f) *TREATMENT OF PAYMENT.—A voluntary separa-*
 16 *tion incentive payment paid to a judge under this section*
 17 *shall not be treated as pay for purposes of contributions*
 18 *for or on behalf of the judge to retired pay or a retirement*
 19 *or other annuity under subchapter V of chapter 72 of title*
 20 *38, United States Code.*

21 (g) *ELIGIBILITY FOR TEMPORARY SERVICE ON*
 22 *COURT.—A judge seeking payment of a voluntary separa-*
 23 *tion incentive payment under this section may serve on the*
 24 *Court under section 401 if eligible for such service under*
 25 *that section.*

1 (h) *SOURCE OF PAYMENTS.*—Amounts for voluntary
 2 separation incentive payments under this section shall be
 3 derived from amounts available for payment of salaries and
 4 benefits of judges of the Court.

5 (i) *EXPIRATION OF AUTHORITY.*—A voluntary separa-
 6 tion incentive payment may not be paid under this section
 7 to a judge who retires from the Court after December 31,
 8 2002.

9 **SEC. 504. DEFINITION.**

10 *In this title, the term “Court” means the United States*
 11 *Court of Appeals for Veterans Claims.*

Amend the title so as to read: “An Act to amend title 38, United States Code, to enhance programs providing health care, education, memorial, and other benefits for veterans, to authorize major medical facility projects for the Department of Veterans Affairs, and for other purposes.”.

Attest:

Secretary.

106TH CONGRESS
1ST SESSION

H. R. 2116

AMENDMENTS

HR 2116 EAS—2

HR 2116 EAS—3

HR 2116 EAS—4

HR 2116 EAS—5

HR 2116 EAS—6

HR 2116 EAS—7

HR 2116 EAS—8

HR 2116 EAS—9

HR 2116 EAS—10